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Præctica WALLIÆ;
OR THE
PROCEEDINGS
IN THE ~~10-6-40~~

Great Sessions
OF *Dec. 5. 34*
WALES:

Containing the Method and Practice
of an ATTORNEY there,
from an ORIGINAL to the
EXECUTION.

Whereunto is added,

The Old Statute of ~~Wales~~ at large;
And an Abridgement of all the Statutes
uniting ~~Wales~~ to England: with Tables
of the Fees, and the Matters therein
contained.

By *Rice Vaughan*, late of *Grays-Inne*
Esquire.

L O N D O N,

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and *Eliz. Flesher*, Assignes of *Richard*
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Cum Gratia & Privilegio Regie Majestatis.



347:02



To the Honourable

Sr. JOB CHARLETON,
Chief Justice of *Chesker.*

ROBERT MILWARD Esq;
One of the Commissioners of the *Privy Seal.*

Sir THOMAS JONES,
Serjeant at Law.

KENRICK EATON Esq;

Honoured Sirs,



HIS Tract how little
soever, yet contains
within its Circuit the
Interest and Con-
cerns of many worthy
and Honourable Per-
sons, to whom the late Author was in
hopes it would be no less acceptable

then beneficial ; especially if admitted into your protections , who for the greatest Reason understand the management of all Affairs therein discoursed. You cannot but know the many alterations that happeneth in those Counties upon the uniting thereof unto the Crown of England ; for the better understanding of the then settlements there , upon which the proceedings of these Courts are grounded , there is now added the effects of all the Statutes yet remaining in force. So that in this short view , you see the basis and superstructure of the Law , as it stands settled by Statutes , and the usual and ordinary proceedings thereupon , with the just Fees , all reduced to our modern Scale , which in the dead Author's behalf I offer to your Honours , desiring to approve my self in all things ,

Your Honours

devoted Servant,

T. M.



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*The Manner of the Proceedings in
the Courts of the Great Sessions
in the Counties of Montgomery,
Denbigh, and Flint, within
North-Wales, as it now is.*



ABOUT three Weeks before every Great Sessions (by Warrant from the Chief Justice of the Circuit) a general Writ of Summons is sent forth by the Prothonotary to the Sheriff, by which the Sheriff is Commanded to Proclaim throughout his County, that the general Great Sessions for the County is to be holden at such a day and place: And that he Summon and give Warning to all Justices of the Peace, &c. Officers, and other Persons whom it doth concern, that they appear at the day and place limited by the said Writ. Which

B

Pro.

Proclamation being made on a Market-day, all Persons whatsoever (by the course there holden) whether Plaintiffs or Defendants in Suits before depending, or others who intend to Commence any Suits, and also all such who suspect any Suits may be brought against them, are at their perils, according to the general Summons before mentioned, to have their Attornies in Court to prosecute and defend the said Suits.

The Sessions being begun, The Plaintiffs who are to Commence Actions, do retain their Attornies, and bring their Actions, either by original Writ (as is usual for all kind of Debts not finable upon the Original) which Writs are made returnable the first day of the Sessions, and dated fifteen days before the Sessions, or else by Bill or *Queritur*, which may be either for Debt, Trespass, or upon the Case. And whether it be by Original, or else by Bill, or *Queritur* the Defendant upon the Original, and first Bill, or *Queritur*, and all Process (before appearance) thereupon awarded, is ever called in open Court, to come forth and answer to the Plaintiff

tiff in such or such an Action (as the Case is) and if by Original, the Defendant being thereupon called, and not appearing, then a second Writ of Summons is awarded, returnable the next day after, which being made by the Prothonotary, and sealed with the Judicial Seal of the Court, and returned by the Sheriff, the Defendant is thereupon a second time called openly in Court. And if then the Defendant appear not, the Plaintiff hath Judgement by Default.

So it is also in case the Action be brought by *Queritur*, or Bill, saving only that Judgement is not in that case had before a third Writ of Summons issue, and thereupon the Defendant being the third time called, do make Default: whereas if by Original, there needs but one Writ of Summons, besides the Original it self.

The first Bill or *Queritur*, commonly bears date the first day of the great Sessions, or the day when the Attorney sueth it forth, and is returnable the next day after the date of it; whereupon if the Defendant, being openly called in Court, appear not, then a se-

cond Writ to Summon the Defendant again is awarded; whereupon if the Defendant being the second time called, appear not, then a third Bill or *Queritur*, to Summon the Defendant, is awarded; whereupon if the Defendant being called a third time, appear not, then the Plaintiff hath Judgement by Default. And these Writs are successively awarded, and made returnable *de die in diem*, and the Judgement had in three dayes at the most, in cases of debt, if the Defendant appear not, but if the Defendant appear, then the Plaintiffs Attorney declares, and upon the Defendants pleading, and not confessing the Action, then issue is joyned the same Sessions, and tryed the next Sessions after.

And it is here to be observed, that the awarding of these Proceſs, and obtaining of these Judgements by Default, depend upon the Sheriffs return of any the said Writs, whether the Actions be brought by Original, or by Bill, or *Queritur*: For if the Sheriff return a Summons (as usually he doth in all cases of Debt, because of the general Summons of the Sessions upon the Writ first before

before mentioned , by which the Sessions was proclaimed) then those Judgements are obtained as is before expressed. But if the Sheriff return, that the Defendant hath nothing in his Bailiff-wick , whereby he may be Summoned (or Attached) as usually he doth in cases of Trespas , and upon the Case, then a Capias to Arrest the Defendant is awarded ; and a Writ of Distringas also *ad infinitum* in cases of Trespas, and issues thereupon returned by the Sheriff, untill the Defendant do appear.

Neither is the Defendant in case of these Judgements thus obtained by Default , any way prejudiced , but by his own Laches or wilfulness : For in all cases of Debt , if he or his Attorney tender an Appearance any day within the Sessions (or after, with consent of the Plaintiffs Attorney , before the Debt sworn) the appearance is accepted. And if he neglect so to do, so that the Judgement stand, yet no Execution can go forth untill the Plaintiff do first swear his Debt , and Damages for the forbearance of it , either before the Judges in open Court, or else by speci-

al Commission, in which Case also execution of the Writ by the Sheriff (though gone forth) is stayed in the Attornies hand by Order, till commonly six Weeks or two Moneths after the Sessions, to the end that the Defendant may satisfie the Debt before the delivery of the Writ to the Sheriff, if he please.

In prosecution of all which kind of Actions in Debt and Trespas (which are almost the whole business of the Sessions) the parties are not delayed above one or two Sessions, unless by some dilatory Pleas and Demurrers (which seldom happen) and for taking away whereof, some provision may be made: and the Charges, unless in Cases where an issue is pleaded, and tryal thereupon had, not commonly above *thirty shillings*, except where the Debt being above *forty pound*, is finable to the King, in case the Action be brought by Original. Neither are the People in prosecuting and defending these Actions, inforced to travel out of their own Counties.

Also in Cases of real Actions (which are very few) the proceeding is speedy,

dy, unless it happen by multiplicity of Pleadings, occasioned by the intricacy of Titles, and variety of Conveyances to be pleaded, which for the most part is avoided, the Conveyances being given in Evidence.

Those Courts of the great Sessions have a Chancery within themselves, and have had power to relieve in Cases of Equity ever since H. 8. time.

A Tract or Directory touching the Practice of an Attornies profession in the Court of the great Sessions in Wales.

IN the first place it concerns an Attorney partly as well as the Lawyer to understand (at least) the nature, if not the whole cause and ground of his Clients Action or Suit, before he undertakes to follow it, without which he will not be able to do his Client any great benefit, more then suing out of Process, and going from Office to Office, which every ordinary fellow that can but write and read is able to do as well as he.

Then to ease his
Common Actions Counsel, and not
at the Sessions. to trouble him to do
 every ordinary plain
 thing, he is to draw his Titling for to
 have out his original Writ, or *Queritur*, as the case requires, and the most
 common and ordinary Actions in the
 Sessions are.

*Actions of Debt, of Trespass, of Trespass
 on the Case, Trespass and Ejectment,
 Writs of Dower, & Quod ei de forceats.*

These Titlings are usual things. To
 instance in one of Debt; which is the
 commonest. The Defendant must be
 named in the first place according to the
 truth of his name, dwelling place,
 and addition, and in the second place,
 or *alias dictus*, if by specialty, accor-
 ding to the words of the Obligation,
verbatim & literatim; for if the words of
 the Writ and the words of the Obliga-
 tion do not agree, the Defendant may
 plead variance between the words of the
 Writ, and the words of the Obliga-
 tion, and so abate the Writ, which must
 be after appearance, and before Decla-
 ration

ration be put in ; but if there be no Obligation for the debt , then there needs no *Alias dictus* in the Writ, and in that and other Actions there be presidents for the Titlings , which therefore need not be insisted on here.

In every Writ where the Sheriff is commanded only to summon the Defendant to appear, the return therein must be pledges and summons to answer the Writ , and if the Defendant neither appears nor essoigns on the original Writ in debt, and if he essoigns and warrants not his Essoign within the next day after he casts the Essoign , an *Iterum Summons* is to issue out , upon which Writ, in default of appearance or Essoign, there is Judgement granted by default, which is commonly called *Judicium si*, &c. (but not entred so upon the Roll) which is a conditional Judgement , for (before the Judgement be entred) the Plaintiff is to swear his debt, and thereupon to recover onely what he swears to be due, with ordinary interest and costs : And if the *Iterum Summons* be essoigned (which may be when the first is not) it is but a dayes delay, and then if no appearance be , Judgement

is to be had , as formerly is said.

But if you sue upon a Bond for performance of Covenants , Articles , Awards , or any other collateral matter, being not absolutely for payment of money , the Plaintiff is also therein to recover by default for want of appearance , and yet not swear his debt or damage ; but (upon motion and shewing the special matter) he shall have Judgement entred absolutely (after calling the *Iterum Summoneas*) for the whole penalty of the Bond , without any Oath as aforesaid.

If the debt be due within fifteen dayes of the Sessions, or the case otherwise lyes (as several wayes it may) so that the Action cannot be begun by an Original, then there must be a *Queritur* or a Bill had from the Prothonotaries Office, upon which you must have a second and a third Bill, and them called , the first one day , the second the next day , and the third the third day, before you can recover by default , and then Judgement is to be had (in the same manner as if it had been begun by Original) in default of appearance. And on these last mentioned Writs the
She-

Sheriff is to return only Summons , as well upon the *Queritur* as upon the second and third Bill , for the Plaintiffs Pledges are alwayes inserted of Course within the *Queritur* or first Bill , and there is no prejudice or any great matter or difference whether the Plaintiff sue by Original or *Queritur* , but that he cannot proceed to Outlary against the Defendant upon the *Queritur*.

After you have gotten an appearance upon any Writ or Bill , then the Plaintiff must declare , and call or move for a Rule for the Defendant to answer , the first Rule is general , and the second in all those personal Actions is peremptory , and if the Defendant pleads not before the peremptory Rule be out , then the Plaintiff is to recover upon a *Nihil dicit*.

The common and most usual pleading to an Action of Debt upon a Bond for payment of money in this part of *Wales* , is *non est factum* , and to an Action of Debt without specialty , is *nihil debet per patriam* , &c. whereunto the Plaintiff replies to joyn up the Issue , but for a Debt without specialty the Defendant may wage his Law , and say *Nil debet*

debet per Legem, in which case the Court will assign the Defendant a day to come to wage his Law, which commonly is the first sitting of the next Sessions following, and cannot be delayed further, where the Defendant must swear he owes the Plaintiff nothing, and produce twelve men to swear that they believe it, which is called *Duodenâ manu*, but the Court accepts of three or four with the Defendant, as I have seen it, but if the Defendant comes not to wage his Law, the Plaintiff is to recover.

There be indeed several other Pleas to be pleaded to Actions of Debt due by Bond, as *per Minas*, *per Dures*, Imprisonment, Release, Nonage, &c. which may be seen in the Books of Entrees.

If the Bond be with Condition the Defendant may demand *Oyer* of it, which must be done between the first and second Rule, and then Conditions performed may be pleaded, which are usually and fittest to be done by Council, and *Oyer* may be demanded of all other Bonds and Writings pleaded, if the Defendant plead in manner as aforeaid.

In all or most Actions of Debt without

out Bond or Specialty upon simpl
 Contracts, there is (at the great Sess-
 sions in *Wales*) a far shorter and less
 intricate way to declare, and so
 ground an Action, then in the Courts
 above at *Westminster*, by the anci-
 ent Custome of *North-Wales*, had and
 deduced from those three Northern
 Counties that were Shire-grounds time
 beyond all memory, and are (indeed)
 rightly and properly the very *North-
 Wales*, which way is by a meer and
 plain *Concessit solvere*, and no matter ex-
 pressed besides the time and place of the
 Contract, and the day of payment,
 whereunto the Defendant most com-
 monly pleads the aforementioned gene-
 ral Issue of *Nil debet per patriam*, and at
 the trial the whole matter and conside-
 ration will be given in Evidence, so
 that thereby the Plaintiff saves what of-
 ten falls out, by declaring specially in
 an Action upon the Case for every
 Debt upon small Contracts, wherein
 the Plaintiff will be more closely held
 to prove all Circumstances mentioned
 in the Declaration, for all Actions up-
 on the Case are strict, and therefore
 more subject to miscarry, and by sever-
 ral

ral wayes overthrowen then those general wayes of *Concessit solvere*, which are constantly used and approved by the privilege of the Custome aforesaid, which are often very beneficial to the Plaintiff in many things, for the Defendant hardly (till the Trial) (knows if many Bargains passed between him and the Plaintiff) upon which of them the Plaintiff will produce his proof, and if the Plaintiff can make proof but of part of the Debt declared, he shall recover so much, for the Defendants Plea (upon which the Issue is joyned) sayes he doth not owe that Debt or any part thereof, and so it is beneficial in many things else, but not in Actions upon the Case for Debt, where the proof must be punctual with the Declaration.

In all Actions of Trespass, Trespass upon the Case, Trespass and Ejectment, the words of the Writ or *Queritur* to the Sheriff are, *Quod ponet per vadios & salvos plegios*, and on every Writ where these words are, the Sheriff is to return Issues, which must be more or less, as the nature, greatness, or condition of the Cause requires, which if
he

hedoth not, the Court upon motion will command to heighten or encrease the Issues, thereby to compell the Defendant to appear, and to expedite the Plaintiffs Cause to Trial, because it is well known, that in all these Actions the Plaintiff cannot recover by default for want of appearance, but after appearance if the Defendant pleads not, the Plaintiff may have a Writ to enquire of Damages, as hereafter appeareth: If the Defendant appears not, the Plaintiff must sue forth a *Distringas*, an *alias*, a *pluries*, and a *plus pluries Distringas*, and so *in infinitum* till appearance be had, and upon every *Distringas* the Sheriff is to encrease the Issues, or rather at least to double them; but if the retorning of Issues will not compell the Defendant to appear, then the Sheriff may be compelled to retorn a *Nihil habet in Balliva mea per quod distringi possit*, &c. and upon that Retorn a *Capias* may be had to apprehend and attach the body of the Defendant to answer, &c. And if thereupon the Sheriff retorns a *Cepi Corpus*, &c. the Defendant being brought to the Bar, shall upon motion be ordered to remain in the Sheriffs Custody,

till

till he find Bayl or Pledges to answer such Recovery as shall be had against him, for it is an observed Rule, he who comes in or appears upon Bayl, must go out or be discharged upon Bayl.

If the Defendant after appearance plead not, then the Plaintiff is to move in all the last mentioned Actions for a Writ to enquire of Damages, and then the awarding of it must be entred, which in some respects is in nature of a Judgement; and upon the return of it, and of the Juries Inquisition, Judgement for the Damages and Costs is to be entred, but not used without a special motion to have it granted; for the Defendant may object many things against the Inquisition, and thereby prevent the filing of it, and so perhaps put the Plaintiff to take out a new Writ.

In Writs of Dower & *quod ei defor-*
ceat, the second Writs are Summons,
 and the third is a grand Cape, upon
 which if the Defendant appears not, the
 Demandant is to recover by default,
 and to have a Writ of Seizin of the
 Lands; but the Tenant may appear
 upon

upon the grand Cape, and save or excuse his default, which is very seldom, and not so easily done, if the Demandants Council will urge all that is just and requisite by Law for his Client to demand and require, before the Tenant be admitted to appear.

If, after Appearance, and Declaration put in, and three Rules past, the Tenant pleads not, a petty Cape is to be awarded against him and thereupon Judgement shall be entred of courie and execution awarded.

When the Plaintiff or Demandant after Declaration put in do not proceed, the Defendant or Tenant may call him to proceed; and if he makes default, a non-suit will be entred; and the Defendant, or Tenant, shall then have Costs in all Actions, wherein the Plaintiff, or Demandant, ought to have had them, if he had recovered.

In a Writ of Dower, where the Husband died not seized, there is no Costs for Demandant, or Tenant; but where the Husband died seized, the Demandant recovers as well Dower, as Costs and Damages, which the Jury always finds, *viz.* the value of the Profits of the
third

third part of the late Husbands Lands since his death, as the Jury shall have Evidence to find the worth or value; but where the Recovery happens to be by Default and so without Jury, then there is a Writ to be directed to the Sheriff, as well to assign Dower to the Demandant, as to enquire by a Jury whether the Husband died seized or not, and if he did, to enquire of the value of the Lands, and upon return of that Writ, (if the dying seized be found) the Demandant shall have a Writ of execution for the third part of the Profits according to the Verdict, and for her Costs of course. The common and ordinary Writ of Dower sayes in the close thereof, *Unde nihil habet*, but in a Writ of right of Dower, as where one received part of her Dower, and sues for the rest in the same Township, these words of *Unde nihil habet* must be left out, which difference is to be usually read and seen in several Books, which an Attorney should necessarily learn, that he may know which Writ to take out when his Clyent tells his Case to him, lest his Councel may undervalue him for his ignorance in common and ordinary things.

Upon

Upon every Writ of *Quod ei defor-*
ceat, the Demandant after appearance
 may declare either in the nature of a
 Writ of Entry *sur d'seizin*, or in the na-
 ture of a Writ of Right, or in the na-
 ture of a *Formedon*, which are of divers
 sorts. If the Demandant recover in a
 Writ of Entry, he recovers also Costs
 and Damages, and so shall the Tenant,
 if the matter pass with him, but in the
 two other last mentioned Writs there
 are no Costs to be had on either side,
 and on the Writ of Entry there lyes no
 view, but in the rest it doth, as here-
 after shall be more fully declared.

A Writ of Right is a concluding
 Action, because it is of the highest na-
 ture, and in it and in a *Formedon* the
 Tenant may vouch, and then a Writ of
 Summons goes to the Sheriff to summon
 the Vouchee, whereon if he returns
Nihil habet, &c. there goes out an *alias*
 and a *pluries*, and then a *Sequatur sub suo*
periculo: And in some Cases in these,
Quod ei deforceats, and in other Actions,
 where the Actions cannot be well laid
 or commenced, but in the name of sever-
 al persons, whereof some of them will
 have no mind to bring or prosecute the
 same,

same, it will be requisite to take out Writs of Summons *ad sequendum simul cum*, and Summons and Severance, which Counsel must direct, and in all Cases of that high nature there is indeed nothing to be done without his directions, which the Attorney will be the better able to observe and prosecute, if he understands them as in some measure he should. And in some cases the Demandant may vouch and become Defendant, when he shall defend his Estate against such Recovery as shall be pleaded against him, so that there are divers other things wherein there is a great deal of learning in those *Formedons* and *Vouchers*, worth any mans knowledge towards the Law, and though fit and requisite for an Attorney to know, as much as is in relation to his practice, yet I durst not presume to proceed to enlarge thereon, lest I should be justly rebuked.

In some Cases there will be no Plea put in, or Issue joyned the first Sessions, but the Defendant upon some occasions must move for an Imparlance, which is called *Licentia interloquendi*, (for brevity *Li. Lo.*) being a granting

ing of time to imparle between that and the next Sessions, or to plead by the first day of the next Sessions, or some day in the Vacation, as the Court shall think fit to appoint, or both parties agree to be entred *tunc pro nunc*, for there is a general and special Imparlance, and sometimes the Plaintiff will have cause to imparle as well as the Defendant, when after the Defendant hath answered or pleaded, he is not ready to reply, for in all or most Actions begun at a Sessions, there must be Recovery by Default, or after appearance and Declaration either an Issue, Imparlance, or a *Nihil dicit*, if the Plaintiff do, as he may, call for proceedings without both parties, will be at a stay by consent, wherein commonly a *Nihil inde* is for that time entred on the Writ or Declaration, in which Cause the Plaintiff (if he please) may proceed the next Sessions after, as formerly he might.

And in such Actions, wherein Issue the first Sessions is not joyned, if the Plaintiff will proceed the next Sessions, he must then look the Docket, to know how the matter stood the Sessions before,

fore , and continue the same unto the Book of Imparlance , according to the words of the Docket , which may also be done the second Sessions, but paying the Prothonotory for the continuance.

If Causes have slept after appearance, and before Declaration be put in , and the Plaintiff will not appear to proceed, the Defendant if he desires to go on, must move the Court to appoint the Plaintiff a time to declare or reply, &c. as the Case requires , and in default thereof, that a non-Suit may be entred , which the Court of course will grant , and the same Rule being entred and not performed , then the non-Suit will be entred ; and if it be after the Plaintiff hath declared , the Defendant will have his Costs, and an Execution for it, if it be not in such Actions wherein Costs do not lye , for seldome or never any Costs is had by the Defendant , if the Plaintiff become non-Suit before he declares, for I knew never any had or granted.

I should towards the end of the foregoing leaf , where I mentioned view, lay not in a Writ of Entry *Sur Dis-*
seizin

seizin declared, that it did lie in the o-
 ther Writs, as of Dower, Writ of Right
 and Formedon, wherein after Declara-
 tion is put in, and a Rule given to the
 Tenant to Answer, the Tenant may
 demand view of the Lands, which must
 be done in Court, or Office, before
 the Rule be quite out; which view so
 demanded is granted, which excuseth
 the Tenant of making any Answer till
 the Demandant sues out the Writ of
 View, whereunto as well the Tenant
 must appear, as the Demandant declare
de novo, by a *Similis Narratio*; and the
 Tenant must be careful to observe his
 time to demand the view; for it is not
 grantable after a general imparlance,
 and if the Tenant slips the time, he
 shall not come to it again: and he must
 be more careful to appear, or essoin,
 for an essoin will lie at the calling of
 the Writ of View; else the Demandant
 will then recover *seizin* of the Lands,
 and have a Writ of *seizin*; and if the
 Defendant essoins, he will gain a day
 longer to appear, and then must ap-
 pear; whereupon the Demandant de-
 clares by *Similis Narratio* (*mutat. mutan-*
dis) as is aforesaid.

There

There are at the great Sessions sometimes other Actions, as of *Replevin*, *Detinue*, *Accompt*, *Rationabili parte bonorum*, *Partition*, *Waste*, Actions upon Penal Statutes, *Curia Claudenda*, *de muliere abducta cum bonis viri*, *Audita Querela*, and others, which have but ordinary proceedings, as hath been treated in some other Actions before spoken of, whereupon I will only speak a word or two of the nature of each of them.

Replevins (most commonly) are brought in inferiour Courts, and afterwards removed to the Sessions, wherein the Plaintiff declares, and the Defendant avows, as his Case requires; and afterwards the Plaintiff is to put in his bar, which is called a *Replication* in another Action.

And in this Action both Parties are Plaintiffs, and may recover: for the Defendant, if he makes good his Avowry, is to recover his Rent, or what else he distrained for, with his Costs and Damages at the Trial: but if the Plaintiff be non-suited, the Defendant is to have a *Returbo habendo* to restore the Cattle distrained by him to his custody, as they were before replevied, whereby

whereby to satisfie his demands. But then the Plaintiff, if he will, may have a second Deliverance, and go on again to Trial: but if the Defendant recovers in this, he is to have a *Retorno habendo* unrepleviable: but if the Plaintiff recovers, he is to have only Damages for the wrongful distraining of his Beasts; and in case the Goods cannot be replevied, a *Withernam* may be had to take the Parties own Goods (that did distrain) in value, &c. there is also a *homine repligiando* for releasing a man detained by another person, except for some offences which are mentioned in the Writs; and there is sometimes a *Capias* in *Withernam* that issues out: it is too tedious to express all things concerning them, and therefore I leave the Reader, if he be ignorant, to take pains to learn them out of better Authors, as I did.

In detinue the Plaintiff is to recover the things detained, and in default thereof, the value of the same in money, which the Jury usually finds.

The same Process is in Partition, and in Waste, and Accompt, which is Summons and Distress; but in Partition and

Waste, the Demandant will recover by default upon the third Writ, if the Tenant appears not, as in some other former Actions treated of appears. And in these two Actions of Partition and Waste, there lies no Costs, but treble Damages, and the place Wasted is recovered in a Writ of Waste. And in Partition there be two Judgements; one after the Verdict, which is no more then (*fiat inter eos partitio*) and the other upon Return of the Writ awarded to the Sheriff to make the Partition, which must be upon motion, and is *quod partitio predicta firma & stabilis teneatur imperpetuum*. And in a Writ of Waste, the Demandant may, depending the Action, move for a Writ of Ejectment; and is ordinarily granted, being a Writ to the Sheriff to restrain and prevent the making or committing any further waste upon the Land. While the Action is depending, Actions upon penal Statutes are usually brought by way of Information, wherein a *Distringas* is the next Process, and the Issue, Verdict, and Judgement therein, if found by the Prosecutor, are as the several Statutes do direct, or else a not guilty.

The

The Action of *Curia Claudenda*, and *de muliere abducta cum bonis viri*, are in some respects, especially that of *de muliere abducta*, &c. in the nature of an Action of Trespass; the *Curia Claudenda* being an Action brought by one against another, for not securing or enclosing the Fence or Hedge lying between both their Grounds, and time out of mind (as urged by the Plaintiff) usually made up and fenced by the Defendant, and all other Owners of his Lands; the other *de muliere abducta*, &c. is for taking away the Plaintiffs Wife, with some part of the Plaintiffs Goods, without alledging of which Goods: and that also in particular the Action will not be well laid. In all my time of Practice, I saw but one Action of each of these, that is one of *Curia Claudenda* in *Flint shire*, about 30. years ago, and one *de muliere abducta*, &c. in *Denbighshire*, 24. years ago, wherein 200. *l.* Damages were recovered.

The *Rationabili parte bonorum* is, when a Widow upon the custome of *North-Wales* sues the Executor of her Husband for the moyety of her Husbands personal Estate; or when a Brother or

Sister upon the same custome sues for a share, as may more at large appear in Law Books, in which Action all is recovered in Damages, being what the Plaintiffs Witnesses can make appear, the Moiety to the Wife, or the share of the Brother or Sister, to be really worth, through all the personal Estate.

Audita Querela lyes, when one is apprehended and imprisoned for Debt and Damages recovered against him, and against another person, who was principally Bayl or Surety with him for the same Debt, and when that other person had formerly been apprehended for the self same Debt and Damages, and hath satisfied the same, for it will not lye, without real payment or satisfaction was made by the other person that was formerly taken in Execution, though he never lay so long in Goal, and came out some way or other without satisfying the party Plaintiff, or it will lye for one as became Bayl, or entered into Recognizance, though the Debt or Recognizance be not really paid and satisfied, but the *Audita Querela* in that Case must be brought before the

the parties attain to the full years, if the *Audita Querela* be made good, but a discharge out of the Goal, and from the Recovery, Recognizance, or Execution, there are original Writs at the Sessions, not spoken of before, (*vide-licet*) a Writ of Error, a Writ of false Judgement, a *Certiorari* or *Recordari*.

The Writs of Error is to move the Record of any Recovery had in any inferior Court, which is a real Court, and so a Court of Record, into the great Sessions, so that the Errors therein (if any be) may be there heard and examined.

A Writ of false Judgement, or sometimes called *Accedas ad Curiam*, is to remove the Record of any Recovery in a mean or base Court, which is a Court that hath not power to hold Pleas, but under forty shillings to the Sessions.

A *Certiorari* for removing any Action depending, before it be tryed by Jury in any real Court or Court of Record, which hath power to hold Plea above forty shillings, which are Courts held by Charter in Corporations or Lordships, and in some Lordships Marchers by prescription unto the Cost of the

great Sessions, there to be proceeded upon, and go to Issue and Trial, if the Plaintiff when it is removed will prosecute and follow it.

A *Recordare* is to remove any Action begun, and not tried in the said base Court under 40 s. to be proceeded on as is aforesaid, touching the *Certior.* at the Sessions.

Now for proceedings in the said Writs of Errours, false Judgement, *Certiorari*, and *Recordari*, thus much which followeth.

The Writ of Error after it is granted, must be delivered to the Steward, or Judge of the Court where the recovery was had; and he must certifie the Record to the next Sessions, or an Attachment lies against him: And when it is there entred, he that put in the Record must assign Errours by his Counsel, and sue forth a *Scire facias ad audiendum*; Errours directed to the Sheriff; at the return whereof, if a *Scire feci* be returned, the Defendant in the Writ of Error must appear, and plead to the Assignment of Errours; which is *In nullo est erratum* in Common Pleas; and if he doth not appear, and
plead,

plead, the Court may proceed by default to hear, or rather to examine the Errors: and in both cases there must be a day appointed for reading the Record; and then after part thereof is read, the Errors are opened by Council; and if the Cause be argued on both sides, thereupon the Court will either reverse or affirm the Judgement: and if Judgement be reversed, the Plaintiff in the Writ of Error shall have his Costs: but there are no Costs upon reversal of a false Judgement, as shall be said hereafter. And if Judgement be affirmed, the Party shall have Execution as well upon his former Judgement, as for what Costs and Damages shall be awarded by the Court to him for that delay.

A Writ of false Judgement is directed as well for Judgement given in other mean Courts, as in his own County Court; for such as are Judges in those Courts have not the return of Writs: but in this Writ there is a far shorter proceeding when the Record is put in, then in the Writ of Error; for here needs

nothing after it is put in , but Counsel to move to have it read , which being done , Judgement is either reversed , or affirmed. If reversed the Defendant in the Court below (who is the Plaintiff) in the Writ of false Judgement , is to have a Writ to be only restored to what he hath lost , that is , to what he hath paid upon the former Judgement (if any) to have no Costs but the bare sum he was driven to pay upon the former recovery in the Court below. If affirmed , as seldom or never it is , then the Plaintiff in the inferiour Court is to have Execution out of the Sessions for what he formerly recovered , without Costs.

A *Certiorari* is to remove an Action above 40 s. as is aforesaid , out of a real Court , or Court of Record , before any Judgement or Trial be had therein in that Court. And in that , and in the *Recordari* , such as sue them forth , are to deliver them into the Sessions by their Attornies , having first called them from such as are to return them , to wit , the Steward , or Judge of the Court of Record for the

the *Certiorari*, as in the Writ of Error before; and to call to the Sheriff for the return of the *Recordari*, to whom the same, as before is said of false Judgement, is directed, and are to be proceeded upon as in all other Actions of the nature they be from the beginning, only that Writ serves for an Original, or a *Queritur* to ground the Action.

And in case where any man hath sued out any of the aforesaid last mentioned Writs, of purpose to delay proceeding in the Court below, (as often it falls out) and the Party suing forth the same is slow or negligent to return and put in the same, the other Party, Plaintiff in the Court below, is to move the Court to appoint a time to put in the same; or in default thereof, that a *ne recipiatur* may be entred, which is entred. And if it be not put in by the time appointed, the Plaintiff below may take out a Copy of that Rule; or if he please, take out a Writ of *Procedendo*, and thereby proceeded in that Court below, notwithstanding the former Writ procured, or taken out

for delay (*ut supra*): and if the Writ of *Certior.* be put in into the Sessions, and the Plaintiff in the Action will not appear and prosecute, then a non suit will be entred, wherein no Cost lies, if it be before Declaration. And if the Defendant appears not, the Plaintiff may proceed, and shall recover by default, if it be an Action of Debt; if otherwise, he may proceed as the nature of the Action requires. But if Bail be entred in the Court below to answer the Action, as commonly there is, and that certified with the Plaintiff, as often it is, and indeed should be then, when the Writ and Plaint is returned and filed, and the Plaintiffs appearance entred by his Attorney; the Plaintiffs Attorney is to move the Court, that the Defendant be ordered to put in there the same Bail as was in the Court below; all which is usually granted and had. And there be good Reasons it should be so, that besides the Common-Law-Rules, before mentioned, which is, That he who comes in upon Bail, or once is driven to find Bail, should again

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again finde Bail; it is fit that the Party Plaintiff should stand in the superiour Court, notwithstanding the Defendants removing of the Action from below, in as good a condition, and in no worse then he was in the other Court; for if the Plaintiff should have no Bail found him at the Sessions, the other Bail that was put in at the Court below being free by the removing here, the Plaintiff would be in a far worse case then he was, and perhaps (if the Defendant prove insolvent) be remediless of the fruits and benefits of his Action at the Sessions. And if Bails were not ordered to be given upon all Actions removed to the Sessions, where Bail had been formerly given in the inferiour Court, then it were no great matter or prejudice to any loose, mean, and unthrifty Person to be arrested in any Corporation for any sum of Money, though never so great and just, for he could readily find some or other sufficient Bail, if both were assured and knew that, that Bail could presently, or shortly after free and discharge.

charge himself, by being at the charge of a *Certiorari*, and return it into the superior Court, which indeed any Bail would do to free himself from his first Engagement, and so put the Principal, (were it not for the Course before-mentioned) in the same estate as he stood before the Arrest, which would be heard to the Plaintiff, but as it is used, as before is said, if the Principal for all their moving of the Action, be not able to find at the Sessions the same Bail again as was at the Court below, or another as good, the Plaintiff shall as aforesaid have a *Procedendo* to the inferior Court.

If an Attorney finds himself any way ignorant (as the best many times may be) what Process to issue out in any of all the Actions before-mentioned, or how to prosecute the same from time to time, let him often attend Council to be guided and often instructed by him, and he cannot do amiss, for therein few or none do miscarry in their business, but such as trust overmuch to themselves, and so neglect the advice of others,

others, which is too common and known a fault. Therefore I should advise all Attorneys, never so able and knowing, to attend their Counsel as often as possibly they can, not only to give him Instructions in their Clyents Cause, but also to receive Directions how to proceed in the Cause, and also to bring his Counsel Copies from time to time (after the Action is called) of the Writs, and of the Declaration, and all pleadings thereunto, yea and of all Rules passed in the Cause, were very requisite; for otherwise if any thing prove amiss, they cannot be faultless, and in observing and doing what there above is advised, they will not only much further their Clyents Cause, and gain to themselves more knowledge, but also avoid the blame and censure which Counsel too often and sometimes justly, laid upon the Attorneys for their neglect therein, and so shall they not only preserve but also increase their good repute and credit with Counsel and Clyents, which I hope all discreet Attorneys do or at least

least should esteem and look upon, far above their gain and profit. Hereunto touching the proceedings in Actions, till Issue be joyned in them.

Now followeth how to proceed, and what is to be done in them after Issue is joyned.

Now for further proceedings in all Causes to trial, after Issue is joyned the Party Plaintiff is to sue forth his Jury Writs, as his *Venire facias*, and *Habeas corpora*, and (if need be) a *Distringas Juratores*, and for better expediting of his Trial, and preventing rubbs and obstacles that may come in his way, he must consider and enquire whether there be any kindred, affinity, or alliance between him or his Wife, and the Sheriff or his Wife and if there be, he must put in his Challenge to the Sheriff, and thereby pray Process to the Coronors to return his Jury, and move before any Writs goes out, that the Defendant may answer it, and thereupon the Court will appoint a time ordinarily but to the next sitting, and then if he does not answer it by saying, *Vicecomite non ab-*

obstante , as he may , and usually is done , or pleaded to it if he please , which is seldome done , or say nothing to it , then the Plaintiffs prays by having Proceſs to the Coronors is granted ; but if the Defendant yields it as is aforeſaid , by allowing the Sheriff notwithstanding that Challenge , the Proceſs goes to the Sheriff. And ſo again , if he knows or ſuſpects kindred or alliance to any of the Coronors , he may put his Challenge to the one , and pray Proceſs to the other Coronor , and the other which is of kin , not to intermeddle , or put in a Challenge to both Coronors , if there be cauſe , and pray Proceſs to Elizors , which is alwayes the ſafeſt courſe , and in a Cauſe of any conſequence no man ſhould omit any of theſe to all thoſe Officers , notwithstanding the little charge he be thereby at , and the little delay he is thereby put unto , which ſeldome is not uſed to be above one day , for thereby he may perhaps prevent a greater charge , and a longer delay , the Challenge hath but an ordinary form , therefore I omit it ; and though
the

the Pedegree be a little mistaken; I never found it much material, for it would come to the same, viz. that the Plaintiff may have his Process either to the Sheriff, Coronors, or Elizors, and avoid all inconveniences that falls out by omitting it: But in these Challenges there must be observed what the form of Law requires; as if it be for Kindred, to the Sheriff's Wives, then to mention that she is living, if the case be so; if she be dead, to mention her death, and that the Sheriff hath Children alive by her, (if he hath) and many such things; that if the Wife be dead, and no Children living by her, there needs no Challenge. And if Process is to go to Elizors, the Court must be moved to nominate them, and then swear them: but if otherwise, then you are to take out your Process of first Jury-writ to the Sheriff, or Coronors, or one of them, as the Defendant admits it; and he shall have no benefit of any Challenging to quash the array, though there were Kindred: but if you omit this course as is said, and take Process

To the Sheriff when he is of kin, then the Defendant may, (when you have retained and instructed your Council, and been at charge with your Witnesses, and so be ready for Trial) put you off that Sessions, by challenging and quashing the Array upon that Kindred or Alliance, suggested by that Challenge made to quash the Array; which Challenge to quash the Array must be moved and put into Court by the Council of the Defendant, after the calling and appearing of the Jury, and before they be sworn. And that challenging may be two-fold: the one as principal; as for Kindred and Alliance between the Plaintiff or his Wife, and the Party who returned the Jury; the other for favour; as where the Sheriff, or his Officers, returned the Jury by nomination of the Party, or where the Lessor in an *ejectione firme* is of kin: for as I should have said before, if there be no Kindred at all between the Lessee, who is the Plaintiff in the Action, and the Sheriff; and if you find there is Kindred between his Lessor and the Sheriff, it be-

behoves you before you take out your Jury-Writ, to put in (as before is shewed) a Challenge to the Sheriff for Kindred to the Lessor; or where there is Kindred between the Plaintiff or his Lessor, and such as returned the Jury by bastardy; that (as I heard) is no principal Challenge, but a Challenge to the favour. And so if that Challenge to the Array be made good upon good Oath punctually, the Array (as aforesaid) will be quashed, and the Plaintiff be put to begin *de novo* with Jury - Writs, which cannot be brought about that same Sessions; for the Defendant may cast an essoin to the *Venire facias* the first Jury-Writ: but to all such Challenges to the Array the Plaintiff is called to speak to it, and he must either confess it, or deny it: And so both Parties joyn issue upon it, if confessed, then the Array is quashed; if denied, then Triers are sworn to try, whether the Kindred be as is said; which Triers will be two or three of the Jury that had appeared. And if they find the Kindred, the Array is quashed; if not, the Array will

will be affirmed, and the Plaintiff shall go on with his Trial, and the Jury that were called, and appeared, will be sworn to try the cause: but if the Array be quashed as for Kindred to the Sheriff, the Plaintiff must take a *Venire facias* to the Coronors, though the next Sheriff be no way kin or allied to him. And if the Jury writ whereon the Array was quashed was returned by the Coronors, the Plaintiff must begin, and take his *Venire facias* to Elizors, though there were new Coronors sworn that were neither kin nor allied to the Plaintiff; because the Plaintiff taking out his Jury-Process *de novo* cannot go backward, but must still go forward. If the 24. Men returned on the *Venire facias*, are returned by a Sheriff that hath no relation to the Plaintiff, and a succeeding Sheriff that will be of kin to the Plaintiff returns the *decem tales* on the *habeas Corpora*, in that case the Defendant, if cause be to Challenge the Array, is to say nothing to such as appears on the principal Pannel, till those appear who were returned on

on the *decem tales* by the last Sheriff, and not before a Challenge may be put to the rest of the Array from that place forward, (*ut supra*) when Triers are named by the Court (as is aforesaid) to try whether the Array returned stand indifferent, by reason of the Kindred proved between the Plaintiff and such as returned it, the Plaintiff or Defendant may twice challenge or accept against those Triers, without shewing any cause for it; but the third Challenge is peremptory, which must be allowed at the Parties own peril when the Plaintiff hath made & put in his Challenge, (as is aforesaid) or is assured that he needs not, he is to take out his *Venire facias*, and return it, or file it in Court; which the Defendant may, if he please, Essoin, and thereby gain a day longer to prepare himself; but the Essoin must be cast at the Challenge of the Writ, or else too late when the Essoin is not allowed or not Essoined at all, then a *Habeas Corpora*, with a *Decem tales*, is to be taken out, and so (if cause requires) a *Disstringas Juratorum*, with an *Octo tales*.

Upon

Upon Challenge, the *Habeas Cor-*
pora, or *Distringas Jurat.* the whole
 Jury therein returned will be cal-
 led; and after they are all called,
 if twelve appear, they will be sworn:
 but before they be sworn, any of the
 Parties may challenge any one of
 them, or all, (if there be cause) by
 the Poll, if any Party dislikes any
 of the Jury by reason of Kindred, or
 favour to the other Parties Attorney,
 must say, when that Jurors come to
 the Book to be Sworn, I challenge
 him for the Plaintiff, or for the De-
 fendant, which will in the margine
 of the Pannels be entred. And then
 he that is challenged is not sworn,
 till twelve be found out, if so many
 indifferent men appear upon the Pan-
 nel, or till all the names in the Pan-
 nel be called. And if full twelve be
 not found to appear upon the Pan-
 nel, and after the Pannel is perused
 and gone through, then the Party
 which challenged any is called to
 shew his cause of Challenge against
 such and such; and then must his
 Councel or Attorney manifest the
 Cause, which is most commonly for
 Kindred,

Kindred , or Alliance to the other Party ; or that the Jury challenged is Tenant , Servant , or within the Plaintiffs destress , if the Challenge be put in by the Defendant ; and so *è contrario* if the Challenge be put in by the Plaintiff : if you name at first but one of those Causes of Challenge , and the Juror upon Oath deny it , you are not allowed to go back and name the rest of the Causes of Challenge . And therefore for fear of the worst , all those Causes are usually named at first ; for the Juror challenged is to be examined upon the *Voyer dier* to all those exceptions , and if he doth confess or acknowledge any of them , he is put by and excused ; if not , he is sworn to try the Cause : and very often when the Party challenging , will not allow the bare denial of the challenged , but will produce proof to make good the Causes , or one of them , for which challenged ; whereupon two of them that will be already Sworn to Try the Cause , will be again Sworn to try whether the Party challenged is an indifferent man , as he stands unsworn , to
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be of that Jury or no ? if they find, or say he is, or stands indifferent, he is presently Sworn to Try the Cause; and if they say he is not, he is put by, as is said before. And if a Challenge be made by Plaintiff or Defendant to any of the Jury for corruption, or any other miscarriage in him, as may be, then you must prove it by Witnesses; for the Juror will not be compelled to his Oath in this as in other cases, to accuse himself in such case; and as good not challenge any, or rather better upon that score, if it cannot be palpably proved; for if not proved, he will be Sworn to Try the Cause: and perhaps when he is amongst his Fellows debating the Cause, think of the ignominy which was spoken and offered him, and could not be proved, and then do the Party as challenged him a discourtesie, if not a mischief.

If there do not appear full twelve upon calling of the Pannel, after they are twice called, then the Plaintiff is told by the Clerk as called the Jury, that there is not a full Enquest, and asked what he prays, and

and then Councel prays a *tales* , but it is in the Plaintiffs choice to pray a *tales de Circumstantibus* , or a *tales at Common Law* , which is had upon further Process. But if he prays a *tales de Circumstantibus* , as most usually it is, then the Sheriff, Coronors, or Elizors , or some of them that made retorn of that Pannel , is presently to retorn as many of the standers by as will make up a full Jury ; but if you pray a *tales at Common Law* , you may take out your further Process at that or the next Sessions ; if you sue out a *Venire facias* one Sessions and do no more , then you are to take out the *Habeas corpora* the next Sessions , and continue the Cause , if the Cause be stayed upon *Habeas corpora* , to continue the Cause the next Sessions after , and sue forth a *Distringas Juratores* ; if after Issue joyned the Plaintiff will not proceed in the Cause , then the Defendant upon any default made by the Plaintiff , may go on (if he please) by moving the Court that he may proceed with a Proviso , which of course the Court grants, and the same Rule being

being entred, the Defendant shall proceed and take the matter in the same place where the Plaintiff left, (to wit) if the Plaintiff left it after Issue joyned, before any Writs taken out, the Defendant is to take out a *Venire fac.* with Proviso, which is no more then to prohibit the Sheriff to return one Writ of the same nature, in case two came to him, one from the Plaintiff, and one from the Defendant, so that the Sheriff is to return only the first that comes to him, and if the *Venire facias* be taken out by the Plaintiff, the Defendant upon the Plaintiffs default may take out the *Habeas corpora* with a Proviso, and so forward in all Processes with a Proviso, and the Court shall proceed thereon to Trial or non-Suit, let the Plaintiff appear or not appear; but if the Plaintiff please he may appear, and give Evidence as well upon that Writ of the Defendant, as if it had been sued out by the Plaintiff, and challenge the Jury or the Array. As for kindred between the Defendant and the Sher-

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riff.

riff, but if the Plaintiff appears not as soon as the Jury are sworn, the Plaintiff will be called, and upon his non-appearance non-suited.

When a Jury is called, and after full appearance of twelve, and are ready to be sworn, the Defendant before any be sworn will be called to appear, and will be told in all personal Actions, that if he doth not appear, the Jury will be taken in his default, whereupon the Defendant either appears by his Attorney or not appears, if he does not appear, the Plaintiffs Council prays that the Defendants default may be entred, and the Jury taken by default, which is accordingly done, and though the Defendant makes default, and appears not by his Attorney, (yet if he please) his Council will be admitted to speak for him, and manage his Evidence if there be any, as far forth as Council can in the Defendants defence, but an Attorney will not be admitted to speak or act any thing for him, but in a real Action when the Tenant is called (*ut supra*) he is told that if he appears not,

not, a *Pettite Cap.* will be awarded against him, and upon his non-appearance or default, the Demandants Council will move that the default may be entred, and the *Pettite Cap.* awarded, which the Court grants, and the Trial stayed, and the *Pettite Cap.* issued out, and when it is returned and called, which will be ordinarily the next day after the default, the Demandant shall have Judgement, and recover seizin of the Lands, unless there be a receipt in the Case; but before I speak thereof, I will end with the manner of Trials; for at some Trials, after the Jury are sworn, and after some Evidence given, or before any Evidence given, the Cause is by both parties consents referred or stayed, wherein in such a Case to prevent a Verdict or a non-Suit of either sides, a Juror is withdrawn, which will be the first, second, third, or last, or any other that were sworn, of them that appeared on the Pannel, as the Court shall direct, and then is stricken out of the Pannel, and the Jury discharged, and paid equal by both parties

parties Plaintiff and Defendant ; the withdrawing of a Juror must alwayes be with the consent of both parties, and cannot be by an Act of the Court, without consent of the Plaintiff and Defendant, and where a Juror is withdrawn, if the Cause be not comprized and ended by the next Sessions following, the Plaintiff may go on if he please, and if he will not, the Defendant may go on with a Proviso, as is before said, and if it stood upon the *Habeas corpora*, there will issue out a *Distringas Jurat.* wherein all that were named upon the former Pannel, will be named in the *Distringas*, saving him who was withdrawn, and stricken out of the former Pannel, and commanded to retorn eight more unto him, and so proceed to Trial again in all points, as formerly hath been said of first Trial.

Now a Receipt spoken of a little before, is where one is admitted to appear upon the *Pettite Cap.* where a *Quod ei deforceat* or a Writ of Dower, is brought against Husband and Wife for Lands, wherein the Wife hath

hath some title or interest, if the Husband makes default after the appearance of full Jury, and suffer a *Pettite Cape* to go out against him, the Wife if she please upon calling of the *Pettite Cape*, shall be admitted to appear if she please upon the very calling of the Writ, either in proper person or by Attorney, having had out a Commission, whereby her Warrant was taken to make that Attorney, as it is in all Cases of Common Recovery, wherein any Tenant or Vouchee appears not in person, but by an Attorney; and if she also have her Plea ready or forthcoming, to be put into the Court, and so save her and her Husbands default: and she may also so do in case her Husband alone were sued for some Lands, wherein after the death of her Husband she hath an Estate for life, and save her Husbands default, by stopping and preventing the issuing out of a Writ of Seizin against him, so that her Plea be issuable, and put in manner aforesaid, and then the Demandant will be forced to proceed to Issue and Trial against

her *de novo*. And if a real Action be brought against a Tenant for life, and he maketh default (*ut supra*) he in the remainder shall in the like sort be admitted and received, having his Plea ready as aforesaid, shewing his Estate in remainder, but the Tenant in Receipt is after bound in Recognizance with pledges, to answer the mean Profits before it be received, in case the matter pass against him, if it be required of him, but very many have been and still are admitted, without requiring any such ties. These proceedings which indeed are very good, and which the Law as I conceive hath provided to save the right of a Stranger to the Action, if he comes in, are very often used for meer delays to the Demandant, in my judgement some of these Receipts upon what experience I found, might be abrogated in some Cases, as when a Tenant for life is sued, after he appears and comes to plead, he may pray in him that hath the Estate in remainder, and thereupon a Writ of Summons *ad auxilium* will be issued out against him in
the

the remainder, whereupon he may come in and appear, and plead his Title, and at the Trial give it in Evidence, which is as much as he can do when he appears upon the *Pettite Cap.* and if the Law be so to save that trouble to the Demandant, of going round about upon the Receipt, when the Jury are gone together, and have deliberated and considered of their Evidence, and to come to yield and deliver up their Verdict, after they are asked whether they are agreed on their Verdict or no, or who shall speak for them, the Plaintiff is called to know whether he stand to his Writ or Complaint, and if his Attorney appears, the Verdict is taken and entred, if he does not appear, the Defendants Council prays that a non-Suit be entred or recorded, which accordingly is done, and upon every such non-Suit the Defendant shall have Execution for his Costs, if the Law give Costs to the Plaintiff, had he recovered in that Action, and there falls sometimes in some Cases a special Verdict as well as a general Verdict ; a general

Verdict is, when a Jury finds in general the matter in Issue, either for the Plaintiffs side, or Defendants side, no points or matter in Law opposing it: but a special Verdict is, when upon the Evidence the whole matter of Fact on both sides is apparent to the Jury; save that a point or question in Law falls out to appear upon the whole Evidence, which the Jury cannot resolve: wherefore the Court assents, and Counsel on both sides agree, that a special Verdict be drawn in that case. And thereupon the Counsel on both sides agree, and consider forthwith at the Bar upon the main material points, or heads to be agreed and delivered up by the Jury, which is afterwards drawn at large in form: and that Verdict will be, that the Jury find all matters of Fact material to make the Case on both sides, and make a doubt in some points in Law which fall to be in the whole case and matter, and conclude, that if the Law in such points be thus and thus, they find for the Plaintiff, and cess him Damage and Costs, or otherwise, as the Action requires: but

but if the Law in that point be thus and thus, or otherwise, they find for the Defendant; and after this Verdict is drawn and perfected, and both Parties Council assent to the truth thereof, it is entred, and Copies thereof made for the Judges, and a time appointed to argue it; for the Court is to Judge and determine all points and questions doubtful in Law to the Jury, though the Jury be to determine, and accordingly to deliver up their Verdict on all matters of Fact as be given them in Evidence, and leave the doubt in Law to the Judges determination and judgement: and at the time appointed, Council on both sides argue the Case that falls out to be the point of Law in the Verdict, by citing as many Cases as they can produce to make the stronger for the Law in the Case to be on their Clients behalf, and by enlarging with their own Reasons and Expositions upon the same Cases; and then, or perhaps another time, the Judge make each of them an Argument upon what Cases as were cited, and on all as had

been said on both sides ; and then, or what other time they are disposed, deliver their opinion in the point in Law , either for the Plaintiff, or for the Defendant , and accordingly Judgement shall be entred. And for every Sessions from the time of giving up the Verdict by the Jury, till Judgement be given , there is an Entry of *Curia advisare vult* , which is in the nature of a continuance.

It falls out sometimes , but indeed very seldom , that a Jury after they are Sworn, and hear their Evidence, are discharged without delivering any Verdict at all , and none of them withdrawn , as is before spoken of, when Causes are referred after Evidence heard ; but an absolute discharge entred by the Court, wherein yet there is always mentioned *ex assensu partium* , and this falls out to be when Counsel of the one side demurs on the Evidence given on the other side , and the Counsel from whom the Evidence is given joyns in demurrer ; whereupon the Evidence that was given to be drawn up with the demurrer to it , and then the Jury,

Jury, as aforesaid, discharged, and the points that falls out were in Law upon the Evidence left to the Judgement and Determination of the Court, which sometimes after Argument is given and entred for Plaintiff or Defendant, as is before spoken, where a special Verdict is given; and therefore I will not enlarge further thereon, having stood somewhat longer on manner of arguing, and determination of a special Verdict then altogether concerned, my purpose being to direct an Attorney how far he was to act in that and in this; It is the Councils part to manage all things.

Again, when a Jury after they heard their Evidence, and deliberate thereon, comes to deliver their Verdict; if the Plaintiff when he is then called becomes non-suit, it is requisite that the Defendants Attorney have care (which I omitted to speak of when I formerly spake of a non-suit, where it had been more proper) that is to say, a special Entry made of that non-suit, that it was after Evidence; whereby the Record may be,

be, as several Presidents are for it, drawn up accordingly; for there is a very great difference and strong one, when occasion is to be urged between a common ordinary Non-suit before Evidence, and a Non-suit after full Evidence on both sides given, for it is near as good as a Verdict for the Defendant. And in so doing the Attorney may perhaps benefit his Client far more then what he had formerly done for him in this Cause, if the Plaintiff should afterwards stir therein, and bring his Cause about again to another Trial.

After Recovery or non-Suit, there may be several Writs of Execution had by the party that recovers, though but one at a time, for to attain the fruits of his Recovery, which Writs in Debt and all other personal actions, are either a *Capias ad satisfaciend.* a *Fieri facias*, or an *Elegit*, the one being to take the body, the other to seize on the party, goods and chattels, the third to find the moiety of his Lands that he had at the time of the Judgement given, and

and all his Cattel , except the Cattel of his Plow. If an *Elegit* be taken out, the party can resort to no other Writ, till the time expires that he must sue forth a *Sci. fac.* for to renew his Judgement, if a *Capias* be taken out, he cannot resort to a *Sci. fac.* but after a *Fi. fac.* there may be a *Cap.* had upon return of *Nihil habet in Ballivam*, &c.

After an enquiry is made upon an *Elegit*, and Lands found, the party that sued it out, if he conceives that what is done upon it it may satisfie his Recovery, is to return it, and have it filed in the Prothonotary Office, or else keep it with him, and accept a time to take out another *Elegit* or another Writ, if it be to be obtained; for if he files his *Elegit*, he is thereby concluded and barred from having any further Execution, though by that which he filed, he could never attain to the third part of his Recovery.

If a Sheriff upon a *Capias* returns, *Non est inventus*, the party may have an *alias* if he please, or an Exigent, which is to the Sheriff, to proclaim the

the Defendant at the fourth or next County Court, and at the fourth County he is to be outlawed by the Coronors Judgement; and when the Exigent is returned, then will issue out a *Capias ut legatum*, which is either general or special, the general is to take the body only, and the special is as well to take the body, as to find or to seize on the party his Lands and Goods to the Kings use, till the party clears himself of the Outlary. But I never understood in all the time of my experience, and upon all my enquiry, how, or in what manner legally a man upon an Outlary had out of the Sessions and Lands found thereon, may come to reap the benefit thereof, by satisfying his Recovery; though it is ordinarily done in *England*, for no Inquisition upon an Outlary was ever returned to our *Welch* Exchequer, which is an Office belonging to the Sessions for making of Original Writs there, and how it may be transmitted; or Cognizance taken of them at the Exchequer above forth, I leave them to signify; that
have

have reason to be more knowing than my self therein ; for there was no such proceedings in all my time, and never before for ought I heard. There are also in Actions of Dower, and on other real Actions, a *Habere facias seisinam* , as an Execution, to be taken out, to obtain possession of the Lands recovered, and in it sometimes a Writ to enquire of Damage, as in Dower, which is recovered by default, or where it appeared not what the Damages were, and a *Capias* or *Fieri fac.* for the Costs, wherein Costs lyes, which Writ when executed, is to be returned and filed, and in *Ejectione firmae*, an *Habere facias possessionem* is the Execution, for to put into possession with a *Cap.* or *Fieri fac.* as is aforesaid included, or by it self, for the Costs and Damages, which likewise are to be returned and filed after they are executed.

If Execution be not taken out till a year be expired, since the last Execution upon any Judgement was sued forth, then the Plaintiff should have no Execution, though Prothonotaries use to do it, by continuing the Cause

Cause before he takes out a *Scire fac.* to the Sheriff, to summon the party Defendant to shew cause wherefore the Plaintiff should not have Execution, and if the Sheriff returns thereupon a *Scire feci*, as there is a Rule given by the Court to shew cause, &c. but in some Courts there be two, or in some three Rules to appear, and the like to plead, which in Summe seems to be too favourable to the Defendant, and in great delay to the Plaintiff, which may tend to his prejudice, but in default of appearing and pleading something to it, Judgement is entred, which is *Quod fiat Executio*, and then Execution awarded, the Defendant may plead thereunto what the Law admits, and as his Case stands, *Nisi tunc record*, and several other things. But some hold that that Plea holds not in the same Court where the Judgement was obtained, others I found of opinion it would, but when it is admitted, as soon as the Record of the Judgement is produced and read, there is an end of it, and Execution is presently awarded; if the Sheriff

Sheriff retorn upon the *Fieri facias*, *Nihil habet per quod*, &c. the party Plaintiff must take out another *Scire fac.* and if the Sheriff returns the same Retorn on that, then those two *Nichils* amount to a *Scire feci*, and the party shall have Execution, as if a *Scire feci* had been at first returned, in case the Defendant appears not, or afterwards plead not. There be several Causes wherein a *Scire fac.* is requisite after Judgement, before Execution be made or taken out, as if the Plaintiff or Defendant died after Judgement, there must be a *Scire fac.* for the Plaintiffs Executor or Administrator of the Defendant, if the Defendant die, or against the Son and Heir of the Defendant, or against the ter-Tenant of the Lands, which the Defendant held at the time of the Judgement. And also when a single Woman marries, after she recovers she must have a *Scire fac.* in her and her Husbands name, or where there are two Plaintiffs, and one died after Judgement, and before satisfaction, there the Survivor must have a *Scire fac.* and it is very fit a

Scire

Scire fac. be where two are sued jointly, and one of them died after Judgement, and before satisfaction that a *Scire fac.* be had against the Survivor Defendant, that the future Execution be only against the surviving person; for otherwise it may be issued out against him that is dead as well as against him that is living for otherwise no Record will warrant the issuing of any Execution for or against them, who before that *Scire facias* were therein never mentioned, in all which *Scire facias* there must be a mention or suggestion of the Cause thereof.

In a *Scire facias* against one Executor or Administrator, for a Debt recovered against the Testator or Intestate, he may plead as he might to an Action commenced for the same thing against him; *Ne unques Exec. &c. Administratio nunquam Commissa fuit* but his safest course will be, *Plene ministravit*, but if there were a Judgement against the Testator or Intestate, that must be pleaded special, or otherwise he shall have benefit thereof, when he comes

re sued discharged the Assets that shall be
ied after charged upon him, upon his general
sfaction *Plene Administravit.*

The *Scire facias* against the Heir is,
where any Heir hath any Lands fallen
upon him from Father or Kinsman,
the future without any conveyance formerly
he survi made to him thereof, or against the
it mu ter-Tenant, is where any one doth
t is dead occupie, and hath purchased Lands,
s living that were the Lands of him against
will war whom any Recovery was had, at the
ation for time of the Judgement given, for all
that *Scire facias* such Lands are lyable to the Judge-
ention ment, and in these Cases the Defen-
as there dants in the *Scire fac.* are to appear
ction. o and defend themselves if they can,
e Execu the ter-Tenant by pleading some
Debt re Conveyance made of the Lands be-
or Inte fore Judgement, or something else,
ght to a as his Case requires, and the Heir
me thing defendeth himself most commonly by
&c. o pleading, *Riens per discent*, which is
issa fuit sometimes generally, and some other
Plene ad times specially pleaded; now to
ere an plead it specially, is to say he hath
tator o nothing by discent *preter &c.* (to
eaded i wit.) save ten acres of Lands, or
have n such a quantity in such and such
omes to Town.

Townships, for if the Heir be sure the Plaintiff cannot fasten that he hath any Lands by discent, he may safely plead the general *Riens per discent*. but if he hath not from his Father or Ancestors some thousand acres, and but one acre or two by discent, and all the rest being a thousand or two thousand are not, so he must except the two acres in his Plea, without which the Plaintiff upon the general Issue pleaded, if he proves the Defendant hath one or two acres by discent, shall have a Writ not only to extend that, but all the rest of the Land that he holds, as were the late Lands of him against whom the Judgement was, though he held them by conveyance, and came not by discent, whereof he must be seized in Fee-simple at the time of the Writ brought against him, or else he is not lyable, and upon Judgement had against Heir and ter-Tenants, the Plaintiff is to have Execution, to extend the whole Lands thereto lyable, till the whole money recovered be thence levied.

If Judgement in any Action, or on a
Scire

Scire fac. against an Executor or Administrator, the first Execution is a *Fieri facias de bonis testatoris* for the principal Debt, and *bonis propriis* for the Damage thereon, if the Sheriff do return, that the Executor or Administrator, hath no Goods unadministred, then the Plaintiff is without remedy against the Party, but is by an Action upon the Case to take his remedy against the Sheriff; for the return is not held sufficient, or any good return in Law: but if the Sheriff returns a *Devastavit*, &c. then a *Fieri facias de bonis propriis* goes out to leavy the whole, as well the Debt as the Damage out of the Executor or Administrators own Goods which return also proves sometimes very dangerous to the Sheriff; for in returning of a *Devastavit* against some Executor or other, wherein *revera* it lies not, that Executor may bring his Action against the Sheriff, and recover very great Damage against him; therefore the Sheriff is in a strict case, and he should do nothing rashly, but all things warily and advisedly, and so he cannot do amiss.

amiss. And upon that *Fieri facias bonis propriis*, if the Sheriff return *non habet*, &c. then the Party Plaintiff shall have a *Capias ad satisfaciendum* against the body of the Executor or Administrator.

There are many other things which are requisite for an Attorneys knowledge, as the knowledge in the solicitation of quashing or traversing of Indictments or Presentments, and in levying of Fines, and suffering common Recoveries for better assuring of Lands, and some other things which would prove too tedious to insist upon: for I confess I have been in some things before you tedious already, therefore I shall leave them to learn, and to seek out by their own industry the knowledge of them, if they conceive the pleasure in them, or the gain gotten thereby will countervail their pains. And indeed I rather omit to speak any thing touching the quashing and traversing of Indictments, for it matters not much what such Person gives occasion to be presented or indicted, may suffer for defect of know

know

facias knowledge that way in his Attorney
 turn *nil* for Council (if well paid) as such
 Plaintiff Person to avoid their conviction, and
faciend. consequently their penalties and
 Executor punishments will, or at least should
 do, will sufficiently direct them. And
 for the knowledge in suffering of
 common Recoveries, and levying of
 Fines, it belongs altogether to
 Council to be managed and directed,
 without an Attorney be in something
 able to ease the Council; as by Draw-
 ing Titlings and Concords, which
 an Attorney who that way obtained
 good experience may do, other-
 wise I hold him not fit to meddle
 therein; or to be instructed, least
 trusting to his Instructions, without
 further knowledge, he may spoil his
 Clyents Conveyances, and thereby
 do him therein more harm perhaps,
 then by his negligence or ignorance
 in dealing, for his Clyent in several
 petty Causes. It is very behoovefull
 for an Attorney to know at least the
 forms, if not the nature of all Writs,
 and the Retorns of them, especially
 of such Originals, second Writs,
 Jury Writs, and Writs of Executi-
 on,

on, as be most used and expedient for his practice. And to know well the Fees of the Prothonotary, and the rest of the Officers of the Court; for without some knowledge in these Writs and Retorns, his Clyents Cause may be delayed, and perhaps sometimes overmuch prejudiced, because all Clerks of an Office or Under-Sheriff are not so perfect and knowing, but some may commit a fault now and then, and those that are knowing may be subject (by reason of negligence or over-hastiness) to write false. And if any Attorney, if he suspect any such thing, cannot apprehend it, his Clyents as aforesaid may suffer by it, if the Attorney of the other side be more knowing and apprehensive. And if any Attorney knows not perfectly all Fees, he cannot choose but in making of Bills of Costs for his Clyent after Sessions, or when he takes out Execution for them, prejudice and wrong himself or his Clyent. Neither is it handsome for an Attorney when he is paying some Fees to an Officer, to be enquiring of him,

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or of another; what the Fees are;
lest he gives occasion to some stand-
ers by to suspect his ignorance in
other things as well as in those Fees.
All which ordinary Writs and their
Retorns, I would have done here:
but far better than I could do, are to
be had and read in several printed
Books; wherein if Attorneys please
they may be fully instructed, and
their Fees they may soon attain to
know in a short time, if they be but
diligent in observing, and willingly
learning, and also carefull to re-
member what they observe and learn,
that I need not here give any Cata-
logue of them; for an Attorney,
though he were bred up an Appren-
tice his time under an able Attorney,
which I conceive is a very good way
to bring him up, and make him able,
and if he had never so good instructi-
on from him in writing, and by long
experience, will never for all this I
think prove throughly perfect and
able in his profession, no more then I
also think any of another profession
will do, without he be as earnest and
desirous to learn and know the same,

as much or more for the delight and pleasure he shall take and receive in the knowledge thereof, as in the profits and gain he expects to attain by it: but the over-hastiness and forwardness to come too soon by that gain, hath made many one a bungler, not only in that, but in several other professions, which Error were well to be by others hereafter shunned and avoided.

Ad magnam Sessionem Domini Regis, Com. Caernarvon tent. apud Conway in Com. predict. coram Petro Mutton Ar. Justiciar. Domini Regis magn. Sessionis sue Com. pred. & Edvardo Littleton Ar. uno alter. Justiciar. &c. die Lunæ (viz.) decimo quinto die Septemb. Anno Regni Dom. Caroli Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei Defensor. &c. quarto.

Certain Rules agreed upon at the said Sessions, for the settling of business in the Court of the said Sessions, within the three Shires of North-Wales.

1. **I***mprimis*, Every Essoin to be cast upon the calling of the Writ, or else not to be allowed.

2. *Item*, An Essoin is to be allowed upon the *Iterum Summons*, second or third Bill, *Distingas*, &c.

if there be no *Essoin* cast before upon the Original , and that before Issue, but after Issue one *Essoin* upon the *Venire fac.* only.

3. *Item* , No *Essoin* to be allowed upon a *Scire fac.* brought upon a former Judgement.

4. *Item* , After Appearance and Declaration , three Rules in every real Action, and two in every personal, mixt, or popular, and the last peremptory , after a Plea one Rule for Replication, Rejoynder, Surrejoynder, Rebutter, Surrebutter.

5. *Item* , The *Petit visum* or *auditum* in real Actions to be demanded between the second and third Rule, and the *Petit auditum* in personal Actions between the first and second Rule.

6. *Item* , An *Essoin* to cast one day only , (*viz.*) the next day after *Essoin* cast, as if a Writ be *essoined* upon a Munday to put off Tuesday , so that no Writ can be called untill Wednesday morning , and the party to wave or warrant the *Essoin*, the day *essoined*, sitting the Court.

7. *Item* , If there be no appearance

ance upon the day of the Return; nor upon the calling of any Writ sitting the Court, or upon that day, the appearance not to be allowed, but upon the next Writ or Process.

8. *Item*, Upon a *similis Narratio*, upon a Writ of View, *Sum. ad War-
ran. ad auxiliand.* and upon a Chal-
lenge one Rule only, and that pe-
remptory.

9. *Item*, After Imparlance one Rule.

10. *Item*, Upon every *Sc. fac.* upon an old Judgement in personal Actions two Rules to appear, and after appearance two Rules to plead, and that peremptory, but upon real Actions three Rules to appear, and three to plead, but upon a Judge-
ment of ten years past no *Sc. fac.* is to be granted without motion in Court, unless it be continued by Process.

11. *Item*, No Judgement to be given upon a Bond for performance of Covenants, Award, or Agree-
ments upon default, without motion in Court.

12. *Item*, An Executor or Admi-
nistrator to make Oath that he re-

received no part of the Debt, nor any other for him, since the death of the Testator, nor the Testator himself to his knowledge.

13. *Item*, No Judgement entred by default, or taken of the same Sessions, unless the Defendant plead in Bar the same Sessions.

14. *Item*, Upon the general Issue tendered, the *Similiter* to be entred for the Defendant without Rule, but upon any special pleading, or a *Similiter* for the Plaintiff, one Rule to be given.

15. *Item*, Upon a Demurrer tendered, one Rule to joyn, and upon refusal Judgement to be given.

16. *Item*, If a Plaint be removed by *Recordare*, *Pone*, *Certiorari*, or otherwise, from an inferior Court to the great Sessions, the Defendant appearing by Attorney, and giving Rule, and the Plaintiff thereupon non-suited, the Defendant ought not to have Costs, the Amerciaments of 3*d.* or that Amerciament to be increased.

The certain and known Rules to be observed in the proceedings of the Chancery Court of the great Sessions of the Counties of Anglesey, Caernarvon, and Merioneth.

1. **I***n* *Alprimis*, If any Party served with a *Subpœna* to answer doth not appear, and enter his appearance with the Register, before the sitting of the fourth Court next after the said service, the Plaintiffs Attornies may sitting, or after the fourth Court upon filing the Bill, and the Oath of the Service of Course, without motion, cause the Register to enter and pass an Attachment: And the legality of it, and the validity of the Oath, to be disputed upon the Defendants appearance; and no *Subpœna* shall issue into a foreign County without order of Court; and by the entry of appearance it is to be expressed, whether the Defendant appear in person, or by Attorney, and for how many Defendants the appearance is given.

2. If no Answer, Plea, or Demurrer be put in before the sitting of the

fourth Court next after the entry of appearance, the Register *ex officio* to enter and grant an Attachment; and upon the due return of any Attachment to enter and issue forth an *alias* Attachment; and upon the return thereof (if cause require) to enter and issue forth Proclamation of Rebellion, but no sequestration without motion in Court, and every of these Processess to bear teste from day to day, and all contempts are to be cleared or paid, for before answer be received, and all Bills and Answers to be subscribed by Council.

3. If no Bill be filed against the Party, served within three Courts after the entry of his appearance, he shall upon the producing of the Subpoena, or Ticket, wherewith he was served, and filing of it with his *Affidavit* of his service be of course dismissed with *vj. s. viij d.* costs, and if after answer no exceptions or reply be filed and entred, or other proceedings given within four Courts, the Defendant is of course to be dismissed with *13. s. 4. d.* costs, having first by himself or his Attorney

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torney moved the Plaintiffs Attor-
ney to give proceedings.

4. After replication entred and re-
ceived, and issue joyned, and at any
time before publication either Party
is at liberty to examine witnesses be-
fore the Register giving notice of
the witnesses names in writing to the
Attorney of the adverse party, and
for want of notice the examinations
to be suppressed, and the first inter-
rogatories to be ministred to all the
witnesses without any alteration,
without special order of Court.

5. That in all causes wherein wit-
nesses have been examined in the Re-
gisters office, or by Commission re-
turned and certified publication shall
without motion pass, if cause be not
shewed by the Plaintiff or Defen-
dant before the rising of the second
Court on *Wednesday* in the Sessions
week, in the County wherein such
causes arise, and both parties if pre-
sent, or such of them as appear there
in person, or by Attornies, that pre-
sent Sessions, at their peril; without
service of any Procefs in that behalf;
otherwise if absent, and not appear-

ing as aforesaid , to be served with a Process to hear Judgement therein at such time and place as the Justices of the same great Sessions shall appoint.

6. If a Bill of Costs awarded upon any hearing , or otherwise, be in difference between the Attornies , the Register is indifferently to tax and allow the same , and the order to pass according to his approbation therein without motion.

7. That no motion in any cause after appearance entred be made by Counsel or Attorney, without notice first given of the purpose and intention thereof to the Counsel or Attorney for the Party against whom such motion is to be made ; and that if any such motion shall be made before notice , the same shall be of no effect , and at every motion the last Rule in that cause to be produced.

8. Where any Person shall be brought in by Process , or shall appear *gratis* to be examined upon a Contempt , he shall give notice of such his appearance to the Attorney of the other side ; and if within three
Courts

Courts after such appearance, or notice given, Interrogatories shall not be exhibited to examine him; or if being examined, no reference shall be procured of his Examination, then the Party so-examined shall be discharged of the Contempts without further motion, and attend the Register for taxing of Costs, which the Register is to tax without further order.

Montgomery and Denbigh.

A Note of the Fees belonging to the Prothonotary of North-Wales in Causes real and mixed.

FOR every mean Process before Appearance, *ij s.*

For every Warrant of Attorney and Effoin severally, *iv d.*

For every Declaration, Plea, Reply, Rejoynder, Surr. Demur. and joyning in Demur. *ij s.*

For every Issue joyned of either Party, *ij s.*

For every *Pet. visum*, *ij s.*

For every Impar lance, *ij s.*

For

For every Writ of

Grand Cape,

Petty Cape,

View,

Sum. ad aux. } ij s.

Sum. ad Warr.

and other Ju-

dicial Writs,

For every Continuance ij s. viij d.

For every Challenge to the Sher-
riff ij s. the like to either Coroner
ij s. to all three in all vj s.

For Challenge unto the Array, ij s.

For Affirmation, or *Quasat.* there-
upon, ij s.

For every *Ven. fac.* ij s. q.

For every *Hab. Corp. Distring. &c.*
ij s. viij d.

For every *Tales de Circumst.* ij s.

For calling the Jury js.

For every Adjournment of Jury,
Remanet, or Juror withdrawn by Af-
sent of Parties, ij s.

For Verdict and Judgement, iv s.

For every privy Verdict, v s.

For Reading the Record, ij s.

For Reading the Evidence, ij s.

For every Non-suit, iv s.

For every *Capt.* by default, ij s.

For

For every Writ of *Seisin*, ij s.

For Slander the Fees for the most part concur with the precedent Fees, as experience will inform.

*Fees in Personal Actions above 40 s.
Debt or Damages.*

For the first Bill, or *Pone*, x d.
For every second, third *Sum.*
or *Distr.* vj d.

For every Warr. of Att. and Effoin severally, iv d.

For every Adjourn, ij d.

For every Decl. viij d.

For every *Pet. Audit*, viij d.

For every *Li. lo.* xij d.

For every Bar, and other Pleas, xij d.

For every long Plea, entring Incident. and Awards in *hec Verba*, for every sheet viij d.

For every ordinary Issue of either Party, xij d.

For every *Non est factum*, xij d.

Similiter inde, ij s.

For every Demurrer, xij d.

For Issue thereunto, xij d.

For

For every Continuance, *j s. iv d.*

For every *Ve. fa.* *j s. ij d.*

For every Challenge, Plea, *Qua-*
sat. or *Affirmat.* as before, per piece
ij s.

For every *Hab. Corp.* *j s. viij d.*

Voc. Jur. *j s.*

Tales, *ij s.*

For every Adjournment of Jury,
Remanet. or Juror withdrawn, *ij s.*

For Reading Record, *j s.*

For Verdict and Judgement *ij s.*

For Non-suit, *ij s.*

For *Capt.* by default, *j s.*

For *Ca. Sa.* or *Fi. fa.* *vj d.*

Personal Actions under 40 s.

F Or every Summons, *Pone*, and
Writs thereupon issuing, *iv d.*

Warrant Attorney, *iv d.*

Declaration, *iv d.*

Euery Issue, *iv d.*

Continuance, *viij d.*

Judgement, *viij d.*

After Issue joyned the Fees are ta-
ken as in the former Action above
40 s.

For

iv d.

Qua.
r piece

ij d.

f Jury,
ij s.

t ij s.

s.

e, and
iv d.are ta-
above

For

For Awarding upou Record , and
making of every Writ of

*Retorn. Habend.**Second. Deliver.**Ca. in Wither.**Priviledge,**Procedendo,**Certiorari,**Elegit.**Scire fac.**Inquir. de dam.**Ha. Cor. cum Causa,* } ij s.*Duces tecum,**Distr. Ballium,**Distr. nuper. vic.**Sum. & severans,**Restitution,**Diminution,**Extent.**Mittimus,**Cap. ad Respondendum,* j s.*Exigent.* j s.*Cap. ult.* j. s.,

For Recording the Appearance of
every Person Arrested, ij s. iv d.

For every special Bail, ij s. iv d.

For Entring upon Record an In-
fants Admission to his Gardian , or
Procheyne Amy by the Court, ij s. iv d.

For

For a Deed Inrolled, for every side
of a Roll, *v s.*

For entring every Attornies name
in the Roll when he is Sworn, *iijs.*
iv d.

*The Fees of Common Recovery with a
single Voucher.*

N *Arr. vers. tenant. ijs.*
Ref. inde, ijs.

Narr. vers. Vouch. ijs.

Respons. inde, ijs.

Li. lo. js.

Jud. vers. tenant. ijs. vjd.

Jud. vers. Vouch. ijs. vjd.

Hab. fac. seisinam, ijs. vjd.

Entry Return, ijs.

Exemplific. vjs. viij d.

jl. vs. ijd.

With

ry side

name
ij s.

with a

*With double Voucher.**Narr. vers. tent. ij s.**Ref. inde. ij s.**Narr. vers. vouch. ij s.**Ref. inde. ij s.**Narr. vers. 2. vouch. ij s.**Ref. inde. ij s.**Li. lo. I s.**Sum. ad Warr. ij s.**Jud. vers. tent. ij s. 6 d.**Jud. vers. vouch. ij s. 6 d.**Jud. vers. 2. vouch. ij s. 6 d.**Habere fa. seisinam. ij s. 6 d.**Entry return. ij s. 6 d.**Exemplification. 6 s. 8 d.*1 l. 14 s. 2 d.

For receiving and recording every
ry Fine. xj s.

The Goal Fees.

For every Prisoner that appears
upon Bail for recording of appearance. ij s.

For every Commitment per
Court. ij s.

For

(90.)

For every *non Cul.* pleaded. *ij s.*

For every Acquittance by Procl.
or otherwise. *i s. v d.*

For every Bail over. *ij s.*

For every Writ.

De Pace.

De bono gestu.

Hab. corp. prisonarii.

Deliberes co. prisonarii.

Restitution.

Scire fac.

Excommunicat. cap.

Excommun. deliband.

and other speciall

Writs.

ij s.

For recording every *Mittimus* and
Signific. *iiij s.*

For certifying every Record for
every sheet. *viiij d.*

Every Attachment. *xij d.*

For enrowling every Pardon,
according to the length *xx d.* a
sheet. *xx d.*

For certifying of every Recogni-
zance. *ij s.*

For every Travers to an Indict.
ment. *ij s.*

For

For every Recognizance to prosecute in Travers. *ij s.*

For every *Ve. fa.* thereupon. *xiiij d. q.*

For every *Hab. cor.* or *distr.* *xx d. q.*

For every *Non cul.* thereupon by Jury. *ij s.*

For every person indicted upon Trespas, that submits himself to the Fine upon the *Ve. fa.* *i s. vi d.*

Upon the *Cap.* *ij s. vi d.*

Upon the *Al. Cap.* *iiij s. v d.*

Upon the *Plur. Cap.* *iiij s. v d.*

Upon the Exigent. *vi s. v d.*

Other Fees there are, which experience will best inform.

Fees upon a Writ of Error.

For certifying the Record. *1 l.*

Prothonotary for entring upon Record. *vi s. viii d.*

Copia Record. *xiiij s. iiiij d.*

Consil. *x s.*

Pro quolibet Error. *ij s. a piece.*

Feed. Attorney. *ij s.*

2. 14. 0.

Sessio secunda.

Council.

Counsel. x s.

Writ of Restitution. iij s. viij d.

Continuance. i s.

Feod. Attorn. iij s.

16 s. 7 d.

Kings Silver, & post fines.

xl s.	} pay	vi s. viij d.
iiij l.		x s.
iiij l.		xv s.
v marks,		xiiij s. iv d.
v l.		xx s.

For filing a Writ of *Habere facias possessionem*, vi s. viij d.

.vij d.

*Quinto die Aprilis Anno Regni
Domini Jacobi Dei gratia An-
gliæ, Scotiæ, Franciæ & Hiber-
niæ Regis, Fidei Defensor. &c.
Angliæ, Franciæ & Hiberniæ
sexto, & Scotiæ quadragessimò
primo.*

j d.

d.

e facias

*A Rate of all and every the Fees and
Duties to be received by the Pro-
thonotary, and Clerk of the Crown
of the Counties of Denbigh and
Mountgomery, and his Clerks,
as belonging to his said place and
Office, assessed, rated, and appoint-
ed, according to the Statute in that
behalf made and provided.*

- F**Or every *Queritur*. 4 d.
2. For every Writ upon a
Queritur under 40 s. 4 d.
3. For every Writ upon a *Queritur*
and second Writ for 40 s. and
above. 6 d.
4. For every Writ upon a *Queritur*
in Actions upon the Case. 12 d.
5. For every second or third
Writ

Quinto

Writ in plea of Land *Ejectione firme* Trespass on the Case, and such like. 12 d.

6. For every Writ of View *Sum. ad Warran. Sum. ad auxiliand.* and such like. 12 d.

7. For every *Venire facias* under 40 s. 12 d.

8. For every *Venire facias* for 40 and above. 14 d.

9. For every *Venire facias* in plea of Land *Ejectione firme*, Trespass on the Case, Appeals, and the like. 2 s. 4 d.

10. For every *Hab. corpora*, *Distringas*, *Alias distringas*, under 40 with a *Tales*. 1 s. 4 d.

11. For every like, in plea of Land *Ejectione firme*, Trespass on the Case, Appeals, and such like. 2 s. 8 d.

12. For every *Petty Cape* and *Grand Cape*. 2 s.

13. For every *Tales de Circumstantiis*. 2 s.

14. For entering every Challenge. 2 s.

15. For joining every Issue to the Challenge. 2 s.

16. For entering every non Suit. 2 s.

17. For

17. For entring every Verdict in Debt. 1 s.
18. For entring every Judgement in Debt. 1 s.
19. For every the like Entrees under 40 s. 6 d.
20. For every the like Entrees in plea of Land *Ejectione firme*, Appeals, Trespas on the Case, and such like. 2 s.
21. For Adjournment of a Jury after appearance. 2 s.
22. For every Execution under 40 s. 4 d.
23. For every Execution of 40 s. and above. 6 d.
24. For every Writ of Seisin. 2 s.
25. For entring of Seisin. 6 s. 8 d.
26. For every *Elegit*. 2 s.
27. For every *Sc. fac. Excommuni-*
cato Capiend. Exigent, Capias, Utlegat.
Writs for certifying of Matrimony or Bastardy, *Supersedeas*, Writs of Restitution, *Procedendoes*, and such like, for every of these. 2 s.
28. For entring every Declarati-
on under 40 s. 4 d.
29. For the like of 40 s. and above, Trespas, Detinue, and the like. 8 d.
30. For

30. For entring every Declaration in plea of Land *Ejectione firme* Trespass on the Case, and Appeals and such like, not exceeding two sheets. 2 s.

31. For entring every Plea under 40 s. 4 d.

32. For entring every Plea for 40 s. and above, not exceeding two sheets of Paper. 1 s.

33. For entring every such like Plea, in plea of Land *Ejectione firme* and Trespass on the Case, and such like. 2 s.

34. For entring, filing, and enrolling in parchment of all Writs, Declarations, Answers, and every other Plea, if the Copy thereof be above two sheets of paper, as Copies are usually written in his Majesties Court of Common Pleas, or Kings Bench, then for such sheet of paper 12 d. and after that rate. 1 s.

35. For entring the Tenants demand of View. 1 s. 10 d.

36. For every *Habere corpus*, *Distingas*, and *alias Distingas*, for 40 s. and above, with a *Writ* 1 s. viij d.

37. For joyning every Issue in Debt under 40 s. iv d.

38. For

38. For joyning every Issue in plea of Debt of 40*s.* and above Trespass, Detinue, and such like. *i s.*

39. For joyning every Issue in plea of Land *Ejectione firme*, Trespass on the Case, Appeals, and such like. *ij s.*

40. For every *Scriptum de Dam.* *ij s. iv d.*

41. For entring every Warrant of Attorney. *iv d.*

42. For entring every Essoin. *iv d.*

43. For entring every Adjournment unto an Essoin. *ij d.*

44. For every Rule. *iv d.*

45. For search for every Sessions. *iv d.*

46. For every continuance before Issue joyned. *iv d.*

47. For every continuance in Debt after Issue joyned, for entring the same upon the plea Roll. *i s.*

48. For every such Entry in Plea of Land *Ejectione firme*, Trespass on the Case Appeals, and such like, for every such Entry as aforesaid. *ij s.*

49. For entring every Imparlance in Debt. *i s.*

50. For entring every Impar-

lance in plea of Land, *Ejectione firme*, Trespass on the Case, Appeal, and such like. *ij s.*

51. For drawing and entring every special Order. *i s.*

52. For entring every Fine with Proclamations, and for entring Kings Silver. *vi s.*

53. For the Chirograph of every Fine. *ij s.*

54. For entring and enrolling parchment of every Recovery by consent of parties, for every Declaration, Plea and Judgement, and such other Fees, as in real Actions is set down and rated before. *ij s.*

55. For Exemplifying of Fines with Proclamations. *vi s.*

56. For Exemplifying of every Recovery, or other Record whatsoever, according to the length thereof, (*viz.*) after the rate of *i s.* a sheet as aforesaid. *i s.*

57. For certifying of every Record, upon a Writ of Error, or otherwise for entring of every such Record, certified into the Prothonotaries Office, for every such *i s.* a sheet.

58. For

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Protho-

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58. For

58. For the reversal of every In-
dictment and Judgement. *ij s.*

59. For every Copy of Writ,
Declaration, or other Record, for
every such sheet. *viiij d.*

60. For the Prothonotaries hand
to every such Copy, or any other in
paper, if the said hand be desi-
red. *ij s.*

61. For every Recognizance,
Plege of Fine, *Plege* of Traverse,
Plege tam de respond. quam de satis faci-
endo, for every such. *ij s.*

62. For recording every appear-
ance of such as are bound to an-
swer. *ij s.*

63. For every prisoner discharged
upon Proclamation. *i s.*

64. For every such acquitted by
Jury. *ij s.*

65. And for his Plea of not
Guilty. *ij s.*

66. For every Warrant of the
Peace, Warrant of the good Beha-
viour, or *Subpena ad testificand.* for
every such. *ij s.*

67. For the Prothonotaries Clerk,
for the writing of every *Ven-*
fac. *4 d.*

68. For their other Jury-Writ
and Writ of Execution. vi d.

Ra. Eure.

R. Lewkner.

H. Towneshend.

We whose Names are subscribed
have seen these Fees before-recited
for many years received and taken
by *James Garnons Esq;* late Deputy
Prothonotary of the Counties afore-
said, as Fees belonging unto the said
Office.

Richard Mitton.

Robert Lloyd.

Aug. 13. 1660.

Evan Lloyd.

This last Copy of Fees I have written
with my own hand out of the Original,
under the aforementioned Judges hands,
viz. Sir Ralph Eure, Sir Richard Lewkner, and *Sir Henry Towneshend,*
attested by the persons above-mentioned,
under their hands also, *viz. Richard Mitton* then Secretary,
Robert Lloyd and *Evan Lloyd* then Attorneys there.

Rice Vaughan

St.

Statuta Walliæ.

Edwardus Dei gratia Rex Angliæ,
 Dominus Hiberniæ, & Dux A-
 quitaniæ omnibus fidelibus suis de ter-
 ra sua de *Snodon*, & de aliis terris suis
 in *Wall.* Sal. in Domino. Divina
 providentia, quæ in sua dispositione
 non fallitur, inter alia suæ dispensa-
 tionis munera, quibus nos & regnum
 nostrum Angliæ decorari dignata est,
 terram *Walliæ* cum incolis suis prius
 nobis jure feodali subjectam, tam sui
 gratia in proprietatis nostræ domini-
 um, obstaculis quibuscunq; cessanti-
 bus, totaliter & cum integritate
 convertit, & coronæ regni prædicti,
 tanquam partem corporis ejusdem an-
 nexuit & univit. Nos itaq; intuitu
 divino volentes prædictam terram
 nostram *Snodon*, & alias terras no-
 stras in partibus illis, sicut & cæteras
 ditioni nostræ subjectas, ad honorem
 & laudem Dei & Ecclesiæ sanctæ,
 ac zelum justitiæ sub debito regimine
 gubernari, & incolas seu habitatores
 terrarum illarum, qui altæ & bassæ se

submiserunt voluntati nostræ, & quos sic ad nostram recepimus voluntatem, certis legibus & consuetudinibus sub tranquillitate & pace nostrâ tractari: leges & consuetudines partium illarum hæcenus usitatas, coram nobis & Proceribus regni nostrî fecimus recitari. Quibus diligenter auditis, & plenius intellectis, quasdam illarum de consilio Procerum prædictorum delevimus, quasdam permisimus, & quasdam correximus, & etiam quasdam alias adjiciendas & faciendas decrevimus: & eas de cætero in terris nostris, in partibus illis perpetua firmitate teneri & observari volumus in forma subscripta.

¶ Providimus, & decernendo statuimus, quod Justitiarius *Snondon* habeat custodiam & gubernationem pacis nostræ regiæ in *Snondon*, & terris nostris *Wall.* adjacentibus: & justitiam exhibeat quibuscunq; juxta brevia regia originalia, leges etiam & consuetudines infrascriptas.

Volumus & statuimus, quod Vicecomites, Coronatores, & Ballivi commotorum sint in *Snondon* & terris nostris partium earundem: Vicecomes de

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nes par-
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ibus il-
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& con-

de *Angliseia*, sub quo terra nostra to-
ta *Anglisei*, cum cantredis, medis, &
bundis suis: Vicecomes de *Kaernar-
vam*, sub quo cantreda de *Arvan*,
cantreda de *Artlentoith*, commotum
de *Crukyn*, cantreda de *Thlen*, &
commotum de *Invenyth*: Vicecomes
de *Meronyth*, sub quo cantreda de
Meronyth, commotum de *Arando*,
commotum de *Pentlyn*, & commotum
de *Irmony*, cum metis & bundis suis:
Vicecomes de *Flint*, sub quo cantre-
da de *Englesende*, terra de *Meillor*,
Seisnek, & terra de *Hope*, & tota ter-
ra conjuncta castro nostro & ville de
Ruthlan usq; ad villam *Cestria*, de cæ-
tero intendant Justitiarij nostri *Ce-
stria*, & de exitibus eorundem co-
mitatum respondeant ad *Scaccarium*
nostrum *Cestria*.

¶ Coronatores sint in eisdem com-
motis per breve regium elegendi, cu-
jus tenor invenietur inter brevia ori-
ginalia Cancellariæ.

Sint etiam Ballivi commotorum,
qui fideliter officia sua faciant & exe-
quentur, & eis diligenter inten-
dant secundum quod per Justic.
& Vicecom. eis injungatur. Vi-
cecom. de

cecomes de *Kermerthen* cum cantredis, commotis & metis ac bundis suis antiquis, Vicecomes de *Kardysga Lampader*, cum cantredis, commotis, & metis ac bundis suis.

Coronatores sint in eisdem commotis, & ballivi commotorum ut prius.

De Officio Vicecomitis in Wallia, & modo Com. tenendorum.

Vicecomes officium suum exercere debet sub hac forma : scilicet cum quis sibi conquestus fuerit de quacumq; transgres. sibi facta contra pacem Domini Regis, sive de captione, & Injusta detentione averiorum, sive de namio vetito, aut de debito, aut de alio contractu non observato, & de consimilibus, per breve vel sine brevi : Primo capiat pleg. de proclam. suo vel per fidem, si fuerit pauper : & postea faciat executionem, prout plenius declaratur hoc modo. Defendentes in quolibet casu summonentur, quod sint ad proximum com. respons. conquerentibus : Ad quem com. facta summonitione & testi-

siificata. si non venerint, per consi-
 derationem com. iterum sum. quod
 sint ad alium prox. com. respons. ut
 prius. Ad quem com. si non vene-
 rint, ex tunc conquerentes per con-
 siderationem com. tam in placitis per
 brevia quam querimoniis sine brevi
 recuperent petitiones suas cum dam-
 nis suis sive emendis, tam in rebus
 mobilibus quam immobilibus prout
 actiones requirunt. Et per hujus-
 modi defaultis pœna secundum legem
 & consuetudinem *Wallensicam* Domi-
 no Regi incurratur. Et cum partes
 comparuerint ad placitand. utraq;
 pars suam narrando veritatem admit-
 tatur sine occasione, & secundum
 petitiones respondeat, & allegeat:
 hinc inde per considerationem com.
 ad iudicium pro *Queren.* vel *Defend.*
 procedatur: & secundum quantita-
 tem & qualitatem delicti puniatur.
 Et sciendum est, quod hoc modo de-
 bet com. teneri, sc. de mense in
 mensem, in loco ubi Dominus Rex
 ordinaverit, & hoc per diem Lunæ in
 unum com. per diem Martis in alium
 com. per diem Mercurii in tertium
 com. & per diem Jovis in quartum com.

& non per alios dies. Et Vicecomes ad com. suum tenendum sic procedat.

¶ In primis audiat & recipiat coram eo & coronat, & sectatoribus com. præsentationes feloniarum & casuum, qui contigerint inter duos com. de morte hominis hoc modo. Quod quatuor villatæ propinquiore loco, ubi casus homicidii vel infortunii contigerit, veniant ad prox. com. una cum inventore & *Walletheria*, id est parentela hominis interfecti, & ibi præsentent factum feloniam & casum infortunii, & modum utriusque, ita pronunciando, quod tali die & tali loco contigit, notus aut ignotus, inventus fuit occisus per feloniam vel submersus, vel alio modo mortuus per infortunium, & talis eum invenit, qui presens est, &c. Et ista præsentatio tam in rotulo Coronatorum quam in rotulo Vicecom. statim irrotuletur. Et si ibi fuerit homo vel scæmina, quæ appellum sequi voluerit, statim recipiantur plegii de prof. & deducatur appellum in illo com. Ita quod si appellati comparuerint, statim capiantur, & in prisiona Domini Regis usque adven-

tum

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oram
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Quod
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, & in
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tum

tum iustic. detineantur, & salvo cu-
stodiantur. Et si non comparuerint,
tunc ad prosecutionem appellantis
exigantur de com. in com. Et si ad
quartum com. non venerint, vel ma-
nucapti non fuerint, utlagentur, &
fœminæ weymentur: Et ad primum
com. ad quem exigentur, si non
comparuerint, statim eorum terræ
& catalla capiantur & seisientur in
manum Domini Regis, & tradantur
custodiend. villatis, ut infra. Eo-
dem modo procedat in appello de
plaga, mahennio, raptu, incendio,
& roberia contra appellatos, si non
comparuerint. Et si comparuerint,
& pleg. invenerint sufficientes, sex
ad minus vel plures, standi recto in
adventu: Justic. statim replegien-
tur.

Et sciendum est, quod contra ap-
pellatos de vi. præcepto, missione,
vel receptamento, non est proce-
dend. ad utlagar. quousque de facto
aliquis convincatur.

Vicecomes faciat turnum suum in
singulis commotis suis, bis in anno,
in aliquo certo loco ad hoc assignato:
sc. semel post festum sancti *Michaelis*,
&c.

& semel post *Pascham*. Ad quem turnum omnes libere tenentes, & alii terram tenentes, in commoto illo residentes tempore summonitionis turnum tenendi, exceptis religiosiis, clericis & fœminis, ibidem venire debet. Et Vicecomes per Sacramentum. xii. libere tenentium de discretioribus, & legatoribus, vel plurimum pro discretione sua diligenter inquirat de capitulis coronam Domini Regis tangentibus subscriptis.

De seductoribus Domini Regis, & Regni Dominae Reginae, vel liberorum suorum, & eorum consentaneis : De finibus : de homicidiis : de roberatoribus : de murtheritoribus : de incendiariis, incendia felonice facientibus, & eorum receptatoribus, & eis consentientibus : de macegrariis carnes furatas scientibus vendentibus, & ementibus : de whittawariis scilicet quod coria bovina, & equina furata scienter alificant, ut sic non agnoscantur : de redubbatoribus pannorum furatorum, eos in novam formam redigentibus, & veterem mutantibus, ut de mantello tunicam vel super tunicam faci-

m tur.
& alii
llo re.
is tur-
giosis,
venire
amen.
liscre.
pluri-
ter in-
Domini

Regis,
el libe-
nsenta-
cidiis :
oribus :
elonice
tatori-
de ma-
ntibus,
s : de
ria bo-
er albi.
ur : de
furato-
edigen-
, ut de
unicam
faci-

facientibus, & similia : de utlagatis,
& illis qui regnum abjuraverunt re-
versis : de his qui contra adventum.
Item Just. se subtraxerint, & post iter
Justic. redierint : de raptoribus vir-
ginum, sanctimonialium, & matro-
narum honeste viventium : de the-
sauro invento : de cursu aquæ diver-
so : de via obstructa, vel restricta, vel
arctata : de muris, domibus, portis
fossatis, & marleriis levatis & factis
intra iter publicum, ad nocumentum
ipsius itineris, & periculum transe-
untium : & de prædicta levantibus
& facientibus : de falsariis monetæ,
& sigilli Domini Regis : de malefa-
ctoribus in parcis, & vivariis : de
frangentibus prisonam Domini Re-
gis : de capientibus columbas vo-
lantes de columbar : de facientibus
poundbreche, hoc est de fractoribus
parcorum, in quibus animalia imper-
cantur : de forstali, hoc est de re-
cussu averiorum : de hampsonkne,
hoc est de invasione domorum : de
thesbote, hoc est de emenda furti
capta sine consideratione curiæ Do-
mini Regis, de imprisonantibus libe-
ros quoscunque, de usurariis de amo-
veribus,

veribus, vel corrumpentibus divisas, de assisa panis & servitiæ non observata, & de eam infringentibus, de bussellis galonibus & aliis mensuris injustis & per ea vendentibus. De ulnis & ponderibus injustis, & per ea vendentibus, de hospitantibus ignotos ultra duas noctes: de sanguine effuso, de hutelio levato, de tondentibus multones noctanter in ovilibus, & eos excoriantibus, vel etiam alia animalia, de capientibus & colligentibus noctanter blada in autumno, & ea asportantibus, & de omnibus hujusmodi malefactoribus.

¶ Inquiratur etiam de juribus Domini Regis subtractis, ut de custodiis, Wardis maritagiiis, releviis, feodis, advocationibus Ecclesiarum, si quæ fuerint, sectis commitatum & commotorum, quis ea subtraxit, & à quo tempore, & de his qui sibi appropriaverint jura regalia absque warranto, ut furcas emendas, assisæ panis & servitiæ fractæ, placitum de vetito natio, & alia hujusmodi jura, quæ ad prærogativam pertinent & coronam Domini Regis.

¶ Vicecomes aut in visu & turno suo

suo faciendo statim in principio convenire faciat coram eo omnes totius commoti, & eos jurare faciat, quod verum presentabunt. *xij* juratoribus vel pluribus per vicecom. electis, & nullum verum celabunt, vel aliquod falsum dicent de his, de quibus ab eis inquiretur ex parte Domini Regis. Et facto sacramento, exponant eis capitula superscripta, & injungant eis, quæ de singulis diligenter veritatem inquirent, Et si quos invenerint, qui ob eorum malefactum vitam amittere debeant vel membra, eorum nomina in secretis vic. intiment, ne forte hujusmodi indictati, li presentes essent in turno, affugerent, li in publico indictarentur. De cæteris autem articulis bene poterunt palam & publice respondere & veredictum suum reddere, & tunc dictatur eis quod singuli seorsum vadant, & tractent diligenter & inquirent de his, quæ eis sunt injuncta: Et cum bene certiorati fuerint, redeant, veredictum suum reddant & presentent.

¶ Vicecomes vero in veredictis & recognitionibus admittend. non querat actiones versus presentantes, nec capiat

capiat ab eis fines, per sic quæ non occasionentur. Recepto autem veredicto seu præsentatione præsentantium, Vicecomes statim, vel quam cito poterit, indictos de maleficiis, quorum pœna est mors, vel amissio membrorum, capiat, & in prisona detineat, vel per plegios dimittat sufficientes. Et de cæteris capitulis secundum quod inquisierit statim fiat correctio & debita executio in omnibus & singulis supradictis.

Ballivi autem commotorum de cætero teneant commotos suos, & iustitiam faciant & exercean inter litigantes.

¶ De officio coronatorum, videlicet de placitis coronæ in partibus *Wallie* provisum est, quod in quolibet com. *Wall.* si unus coronator ad minus per breve Domini Regis in forma inter cætera brevia regia subsequenter contenta, qui in pleno com. eligatur, & coram Vic. ibidem fac. sacram. quod erit fidelis Domino Regi, quod fideliter faciet & exequet. omnia quæ ad officium coronatoris pertinent. Eritque officium ejus, quod statim postquam ab aliquo fuerit requisitus

situs veniendi ad mortuum interfe-
 ctum per feloniam, vel subversum,
 aut quocunque alio modo mortuum
 per infortunium, & etiam ad viend.
 hominem enormiter vulneratum, de
 cujus vita desperatur, quod statim
 mandabit Vic. vel ballivo commoti,
 quod ven. fac. coram eo certis die &
 loco oc. *xij.* annorum & ultra de
 villa illa, in qua casus contigerit, &
 de quatuor villatis propinquioribus:
 & quod per eorum sacram. fideliter
 caute & secrete ac diligenter inqui-
 ret de feloniam, de felonibus, & eo-
 rum catallis, similiter de facto & de
 modo facti videlicet quis fuerit cul-
 pabilis de facto, quis de vi, & cujus-
 modi vi quis de præcepto seu missi-
 one, quis etiam de receptamento post
 factum, & de catallis eorundem hu-
 jusmodi qui per inquisitionem inde
 culpabiles inventi fuerint. Inquirat
 etiam quis interfectum primo inve-
 nerit, & nomen ejus irrotuletur, &
 attachietur per pleg. quorum nomi-
 na irrotulentur veniendi ad prox.
 commotum, & etiam coram Justic. in
 adventu suo. Et quæ facta inquisi-
 tione illa eam statim distincte & a-
 perte.

parte irrotulari fac. una cum nominibus eorundem, quæ inventi fuerint culpabiles & eorum catallis, & quæ nomina scripta vic. si præsens fuerit, vel ballivo commoti liberabit secrete præcipiendo ex parte Domini Regis, quod corpora eorum statim capiantur, & in prisona Domini Regis salvo custodiantur, donec inde steterint recto in cur. Domini Regis. Et quod catalla eorundem fideliter appreciari fac. & tam catalla particulariter quam precium eorundem, in rotulo suo ponet, & eadem catalla per visum vic. vel ballivi, & aliorum fidelium Domini Regis, qui interfuerint singulis villatis, in quibus catalla prædicta inventa fuerint, interim liberari fac. ut in adventu Justic. fideliter inde Domino Regi respondeant.

¶ Coronator vero cum fecerit inquisitionem super mortuum, interroget *Walesheriam*, scilicet parentelam interfecti: Et si quis ex parte patris, & alius ex parte matris apparuerint, dicendo, quod fuit de parentela sua, & hoc per fideles Regis presentes testificatum fuerit, nomina
eorum

eorum in rotulo suo statim irrotulari fac. Si autem nullus de parentela comparuerint, irrotuletur similiter in rotulo quod nullus compareret, ut Justic. in adventu suo evidentius facere possit, quod in hac parte fuerit faciendum. Coronator etiam diligenter inquirat casum infortunii & modum & secundum quod invenerit per inquisitionem distincte irrot. fac. Inquirat etiam de inventore & nomen ejus irrotulari fac. ut supra.

¶ Præterea cum latro vel homicida, seu alius malefactor fugerit ad Ecclesiam, coronator quæ cito confiterit sibi, mandet ballivo Domini Regis illius commoti, quod certo die venire faciat coram eo probos & legales homines de visu. & in præsentia eorum facta recognitione felonix, fieri fac. abjurationem hoc modo, quod felo duc. usque ad portam Ecclesiæ & assignetur ei portus per coronatorem, & ex tunc abjuret Regnum, & secundum quod assignabitur ei portus propinquus vel remotus præfigatur ei terminus exeundi Regnum prædict. Ita quod in eundo
versus

versus portum illum deferens quandam crucem in manu sua, non declinet à via regali ullo modo scilicet à dextris nec à sinistris, sed semper eam teneat, quousque regnum exierit.

¶ *Forma brevinm orig. plac. in Wall.*

¶ Bre. de No. diss. de libero ten. de quo quis liber homo injuste & sine iudicio fuerit disseisitus. Rex Vic. Anglisei salutem. Questus est nobis A. quod B. & C. injuste, &c. diss. cum de libero ten. suo de N. post pacem nostram in Wall. proclam. An. Regni nostri. xi. Et ideo tibi præcipimus, quod si prædictus A. fecerit te, &c. tunc fac. ten. illud de catallis, quæ in ipso capta fuerunt, & ipsum ten. cum catallis esse in pace usque ad certum diem, q. Justic. nostri tibi scire fac. Et interim fac. xii. liberos & leg. homines de visum illo videre ten. illud, & nomina eorum inbrevari. Et sum. eos per bonos sum. quod tunc sint coram præfatis Justic. nostris parati inde fac. recognic. Et pone per vad. & salvos

salvos pleg. prædictos *B. & C.* vel ballivos suos, si ipsi inventi non fuerint; quod tunc sint ibi aud. illam recogn. Et habeas ibi sum. nomina pleg. & hoc bre. Dat. apud *Kernerwan*, vel alibi, tali die & tali anno.

¶ *De no. disseisina de communia pastura fiat breve sic.*

¶ Questus est nobis *A.* quod *B. & C.* injuste, &c. disseis. eum de communia pasturæ suæ in *N.* quod pertinet ad liberum ten. suum in eadem villa, vel in alia, si casus hoc velit, post pacem, &c. Et ideo tibi præcipimus, quod si prædictus *A.* fecerit te, &c. tunc fac. xii. liberos, &c. videre pasturam illam & ten. & nomina eorum inbrevari. Et sum. eos per bonos sum. quod tunc sint coram Justic. &c. parati inde facer. recogn. Et pone, &c. prædictos *B & C.* vel ballivos suos, si ipsi inventi non fuerint, quod tunc sint ibi aud. illam recogn. Et habeas ibi, &c. Dat., &c. vel sic. Questus est nobis *A.* quod *B. & C.* levavit vel prostravit quandam septem, vel quoddam

quoddam fossatum, vel obstruxit, vel
arctavit quandam viam, vel divertit
cursum cujusdam aquæ, vel levavit,
vel prostravit, vel exaltavit quoddam
stagnum in *N.* ad nocumentum libe-
ri tenementi sui in eadem villa, vel
in alia si casus sit, post pacem nostram
in *Wall*, &c. Et ideo tibi præcipi-
mus, quod si prædictus *A.* fecerit,
&c. tunc fac. xii. &c. videre sepem
illam, vel fossatum illud, vel viam
illam, vel cursum illius aquæ, vel
stagnum illud & ten. & nomina eo-
rum inbreviari. Et sum. eos, &c.
quod sint coram Justic. nostr. &c.
Et pone, &c. prædictum *B.* vel bal-
livum, &c. quod sit, &c. Et habe-
as, &c. Dat, &c. Et mutantur
formæ brevium secundum diversita-
tem casuum.

¶ *Breve de morte antecessoris.*

¶ Rex Vic. salutem. Si *A.* fece-
rit te secur. &c. tunc sum. per bonos
sum. xii. liberos & leg. homines de
vis. de *N.* quod sint coram Justic.
nost. &c. parati sacr. recognoscere,
si *B.* pater prædicti *A.* fuit seiscitus in
Do-

Dominico suo ut de feodo, de manerio tali cum pertin. vel de tanto terræ cum pertin. in *N.* die quo obiit, & si obiit post pacem nostram in *Wallia* proclamata, Anno Regni nostri undecimo. Et si idem *A.* propinquior hæres ejus sit. Et interim manerium illud, vel terram illam videant, & nomina eorum inbreviari fac. Et sum. per bonos sum. *B.* quod manerium illud, vel terram illam tenet, quod tunc sit ibi aud. illam recogn. & habeas ibi sum. & hoc bre. Et fiant brevia patentia sub his verbis, quousque Dominus Rex aliud inde ordinaverit.

¶ Rex Justic. suo salutem. Sciatis quod constituimus vos Justic. nostros una cum his, quos vobis affloc. ad assisas no. dis. & mortis antec. in partibus *Wallia* capiend. Et ideo vobis mandamus, quod ad certos dies & loca, quos ad hoc provideritis, assisas illas capiat. Factur. inde, quod ad Justic. pertinet secundum legem & consuetudinem Regni nostri. Salvis nobis amerciamentis, & aliis ad nos inde spectantibus. Mandavimus enim Vicecomitibus nostris, quod ad

ad certos dies & loca, quos eis sci
fac. assisas illas coram vobis ven. fa
In cujus rei test. has litteras nost
fier. fec. patent. Dat, &c. Et fi
bre. clausum dirigend. vic. sub h
forma.

¶ Rex Vic. salutem. Præcip
must tibi, quod omnes assisas no. di
& mortis anteces. coram Justic
nostro arranias per brevia nostr
venire fac. coram eodem Justic. a
certos dies & loca, quos tibi sci
fac. cum brevibus origin. & omnibu
aliis adminiculis dictas assisas con
tingentibus, & hoc bre. Dat, &c.
Et mutet. forma brevis secundum
diversitatem casuum vid. si pater vel
mater, frater vel soror, avunculus
vel amita fuit seistus in Dominico
suo, ut de feod. de repetita per viam
mortis anteces. die quo obiit. Et
quum plures coher. participes unius
hered. petunt ipsam her. videlicet
quando unus eorum petit de morte
patris vel matris, fratris vel sororis,
avunculi vel amitæ, & alius vel alii
ex ipsis coher. petunt de mort. avi sui
vel aviæ suæ vel consanguinæ suæ,
fiat eis bre. mortis anteces. in casu

suo,

eis scire
ven. fac.
nostras
Et fiat
sub hac

suo, quia illa pars dicti brevis,
quæ tangit naturam mortis anteces.
juxta articulum inde usitatum attra-
hit ad se naturam aliorum articulo-
rum tangentium coheredes in gradi-
bus remotioribus.

Præcipi-
no. diss.
Justic.
nostra

¶ *Breve commune quod in aliquo casu
tangit jus, & in aliquo possessionem.*

Justic. ad
ibi scire
omnibus
cas con-
at, &c.
cundum
ater vel
unculus
ominico
per viam
iit. Et
es unius
videlicet
e morte
fororis,
vel alii
avi sui
uxor suæ,
in casu
suo,

¶ Rex Vic. salutem Præc. *A.* quod
juste, &c. reddat *B.* maner. de *N.*
cum pertin. quod prædictus *A.* ei
deforciat, ut dicit. Et nisi fecerit,
& prædictus *B.* fec. te secur. &c.
tunc sum. &c. prædictum *A.* quod sit
coram Justic. ostens. quare non fece-
rit. Et habeas ibi sum. & hoc bre.
Dat. &c. Vel sic. Præc. *A.* quod
juste, &c. reddat *B.* tantum terræ
cum pertin. in *N.* ut supra. Et si-
militer conced. istud bre. coram
Justic. de banco, si petens voluerit.

¶ *Breve de dote in Wallia.*

¶ Rex Vic. salutem. Præc. *A.*
quod juste, &c. reddat *B.* quam fuit
uxor *C.* rationabilem dotem suam,
G quæ

quæ eam contingit de libero ten
 quod fuit prædicti C. quondam vir
 fui in N. unde nihil habet, ut dicit.
 & unde queritur, quod prædictus A
 ei deforceat. Et nisi fecerit, & præ
 dicta B. fec. te secur. de clam. suo
 prof. tunc sum. &c. prædictum A.
 quod sit coram Justic. nostro, &c.
 ostens. quare non fecit. Et habeas
 ibi, &c. Dat. &c. Et mutetur for.
 ma brevis secundum diversitates ca
 suum, videlicet si mulier dotata fue
 rit ad hostium Ecclesiæ de assensu &
 voluntate patris, vel alterius ante
 cessoris, cujus hæres esse poterit, vel
 esse debet.

¶ *Breve de Debito.*

¶ Rex Vic. salutem. Præc. A quod
 juste, &c. reddat B. cent. solidos,
 quos ei debet, & injuste detinet, ut
 dicit. Et nisi fecerit, & prædictus
 B. fecerit te secur. de clam. &c. tunc
 sum. &c. prædictum A. quod sit co
 ram Justic. nostro, ostens. quare non
 fecerit. Et habeas ibi sum. & hoc
 breve Dat. &c. Et si catalla vel sac
 ci lanæ exigantur, fiat eis breve sub
scriptum.

¶ Rex

o ten.
m viri
dicit:
tus A.
& præ-
m. suo
um A.
, &c.
habeas
ur for-
tes ca-
ta fue-
sensu &
s ante-
rit, vel

¶ Rex Vic. sal. Præc. A. quod
juste, &c. reddat B. unum sacc. lanæ
precii decem mercarum, quem ei in-
juste detinet: Vel catalla ad valen-
ciam. x. mercarum, quæ ei injuste
detinet, ut dicit. Et nisi fecerit. &c.
ut supra. Et fiant formulæ consimilis
brevis secundum ostensiones peten-
tium, & diversitates casuum. Et non
fiant hujusmodi breviam coram Justic.
plac. de minori summa, quam xl. s.
sed placita de debito, quæ summam
xl. s. non attingunt, in com. placi-
tentur, & in commoto similiter. Et
si forte petens placitare voluerit de
hujusmodi in com. tunc fiat ei tale
breve, quod vocatur Justicies.

A quod
solidos,
net, ut
ædictus
c. tunc
sit co-
are non
& hoc
vel fac-
eve sub.

¶ Rex Vic. salutem. Præcipimus
tibi, quam Justicies A. quod injuste.
&c. reddat B. cent. solidos, quos
ei debet, ut dicit, sicut rationabiliter
monstrare poterit, quod ei reddere
debeat. Ne amplius inde clam. aud.
per defectum Justitiæ. Dat. &c. vel
sic. Quod reddat B. unum saccum
lanæ precii. x. mercarum, vel catalla
ad valentiam. x. mercarum, quæ ei
injuste detinet, ut dicit. Sicut ratio-
nabiliter. &c. Ne amplius. &c. Dat.

¶ Rex

Ec. Et fiat inde Pone, si petatur, sub hac forma.

¶ Rex Vic. salutem. Pone ad petitionem petentis coram Justic. *Ec.* tali die loquelam quæ est in com. tuo per brev. nostr. inter *A.* & *B.* de debito centum solidorum, quod idem *A.* à præfato *B.* exigit. Et sum. per bonos sum. prædictum *B.* quod tunc sit ibi præfato *A.* inde responsurus. Et habeas ibi. *Ec.* Dat. *Ec.*

¶ Breve de Conventione,

¶ Præcipe *A.* quod injuste. *Ec.* teneat *B.* conventionem inter eos factam de uno messuagio cum x. acris terræ & v. acris bosci cum pertin. in *N.* Et nisi fecerit. *Ec.* tunc sum. *Ec.* prædictum *A.* quod sit. *Ec.* ostens. *Ec.* Dat. *Ec.* Et fiant conventiones secundum voluntates contrahentium & diversitates casuum, sive coram Justic. vel in com. juxta petentium voluntatem. Et si voluerint placitare, fiat eis breve quod vocatur Justicias, & postmodum inde fieri poterit pone, si petatur.

¶ Forma

¶ *Forma brevis de Atturn.*

¶ Rex Vic. salutem. Sciatis quod *A.* atturnavit coram nobis loco suo *B. & C.* ad lucrand. vel perdend. in loquela quia est in com. tuo per breve nostr. inter ipsum *A.* petentem, & *D.* tenentem, de uno messuagio cum pertin. in *N.* Et ideo tibi præcipimus, quod prædictus *B & C.* vel alterum ipsorum, si ambo interesse non possint, loco ipsius *A.* ad hoc recipias. Dat. &c. Eodem modo fiant brevia de atturn. in aliis casibus secundum diversitatem casuum & formam brevium.

¶ *Forma brevis de Coron. eligendo.*

¶ Rex Vic. salutem. Præcipimus tibi, quod in pleno com. tuo, de assensu ejusdem com. eligi fac. unum Coronatorem, qui præstito Sacramento, prout moris est, extunc ea fac. & conservet, quæ ad officium Coronatoris pertinent in com. prædicto. Et talem eum eligi fac. quia melius sciat & possit officio illi intendere.

dere. Et nomen ejus nobis scire facias. Dat. &c. Et si ipse infirmetur, vel moriatur, vel ob aliquam aliam causam officio illi intendere nequirit : tunc fiat illud breve, mutatis mutandis.

¶ *Placitorum quaedam habent terminari per assisam, & quaedam per juratas.*

¶ Per assisam habent terminari cum quibus seiscitus de liber. ten. postea per vim disseisitus petit seisinam sibi restitui : & in hoc casu provisum est bre. de nova disseisina in forma inter alia brevia originalia Cancellariæ subscripta. Similiter de communia pasturesve pertinente ad liberum tenementum suum petat seisinam sibi restitui : & in hoc casu providetur idem breve de nova disseisina per mutationes quorundam verborum in forma inter alia brevia originalia Cancellariæ subscripta. In quibus brevibus sic est procedendum. Primo receptis à quærente duobus plegiis de præc. Vic. fac. eliger. xij. liber. & leg. &c. de vis. ubi ten. vel pastur. existit, & fac. eos videre ten. & limi-

similiter pasturam, & attachiet disseisitores, prout continent in brevi. Postea cum partes & assisa venerint coram Justic. quærat a quærente de quo libero tenemento, vel de qua communia pasturæ quæritur disseisiri, & secundum ejus quærimoniam & responsionem partis adversæ, procedatur ad captionem assisæ, nisi disseisitus aliquid sciat dicere, quare assisa debeat remanere. Et si assisa fac. pro quærente, recuperet quærens seisinam suam simul cum damnis taxatis per assisam versus disseisitorem. Et disseisitor remaneat in mis. Domini Reg. vel committatur gaole redimendus, si disseisina facta fuerit enormiter & vi & armis.

¶ Sunt quædam alia brevia, quia per ass. habent terminari, videlicet de stagno levato, prostrato, exaltato, de fossato levato, vel prostrato, sæpe levata vel prostrata, de via obstructa vel arctata, de cursu aquæ diverso. Et secundum diversitatem casuum diversificent brevia originalia: quæ quidem brevia, cum brevibus de no. diss. superius continentur, & eodem modo sicut supradictum est in brevi

de libero ten. & de communia pastura, est procedend. in eisdem.

¶ In supradictis brevibus ass. no. diff. nullum jacet essonium seu dilatio, sed prima die procedat ad justitiam fac. Aliud est brev. assisarum, quando aliquis petit seisinam ten. unde antecessor suus obiit seisitus, videlicet, pater, mater, frater, soror, avunculus, aut amita, in quo casu provisum est breve mortis antecess. in forma inter cætera brevia originalia superius contenta.

¶ Contingit etiam aliquando, quod petitur seisina antec. in casu quando antecessor non obiit seisitus, sed fuit seisitus die quo habitum religionis suscepit, vel iter peregrinationis arripuit, in quo itiner. obiit. Ponatur dies, quo habit. religionis suscepit, vel iter peregrinat. &c. in quo itinere, &c. Et si itur. &c. In isto brevi mortis antec. sic est procedend. Primo inventis pleg. de prof. & ass. electa, & visu facto à juratoribus, summoneatur tenens per duos bonos & leg. sum. quod sit coram Justic. ad certum diem, &c. & contineat summ. monitio. xv. dies, ad quem diem. si

vene-

venerit. procedat Justic. in suo officio exequendo. Et si ad alium diem non venerit, puniatur, pro defalta sua secundum quod continet. in lege *Wallensica*, videlicet per tres vaccas, vel per precium earundem: & resummonetur per alios duos sum. summonitione similiter continente spacium. xv. dierum, sicut prædictum est, ad quem diem siue venerit, siue non, procedatur ad iudicium, vel procedat Justic. ad officium suum faciend. nisi fecerit se essoniari de ultra mare: & tunc dabitur ei spacium. xl. dierum, ut possit habere eb. & fode. Sed caveat sibi, qui se sic essoniat, quod si existens infra quatuor maria de ultra mare falso se essoniaverit, & super hoc vincat. per bonam probationem, vel per bonam inquisitionem, puniatur, tanquam pro defalta, primo per mis. secundum quod continetur in lege *Wallensica*, & præcludatur ei via aliquid dicendi contra assisam nisi vocare possit ad warrantum.

¶ Et sciendum, quod nec in brevi mortis antec. nec in aliquo brevi de placito terræ jacet aliquod esson.

nisi tamen effon. de ultra mare, & hoc antequam tenens vel deforcians appareat in cur. & effon. de servicio Domini Regis, quod jacet in omni loco placiti, quum Rex illud war. voluerit. Sed caveat sibi quod non falso fac. se effon. de servicio Domini Regis. Quia si deficiat de warranto Regis, puniet. pro defaultis per mis. Domino Regi dandam secundum legem *Wallensicam*, & versus partem adversam de expensis sibi refundendis de illa jorneta secundum discretionem Justic.

¶ In istis brevibus mortis antec. sic est procedendum. Lecto primo brevi, in quo continent. petito petentis, quærat. a deforc. si quid sciat dicere, quare assisa debeat remanere, quod si nesciat, capiat Justic. ass. per juratores, quia melius sciant veritatem, secundum formam brevis. Et si assisa transeat pro petente, adjudicet. petenti seisinam cum damnis taxatis per juratores, & remaneat deforcians in mis. Domini Regis. Multa quidem potest deforcior dicere contra assisam. Potest enim vocare ad warrantum, & tunc expe-

re, &
 orcians
 servitio
 n omni
 d war.
 od non
 Domini
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 er mis.
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 primo
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 eat re-
 capiat
 melius
 ornam
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 na cum
 & re-
 Domini
 defor-
 Potest
 & tunc
 expe-

expectandus est adventus warranti,
 quem Justic. faciat venire primo per
 unam summonitionem, & si necesse
 sit per resum. sicut dictum est de prin-
 cipale deforciante, & pro defalta
 puniatur sicut dictum est. Post resum.
 si nondum venerit, nec se essonave-
 rit, procedat assisa versus eam per
 defaltam. Et si assisa transeat pro
 petente, adjudicetur petenti seilina
 rei petite, & defendens habeat de
 terra warranti ad valentiam. Et si
 warrantus venerit, & petat sibi osten-
 di, per quod debeat warrantizare,
 oportet, quod vocator ostendar
 cartam, quæ faciat mentionem de
 warrantia vel de dono facto à war-
 ranto, vel antecessore suo, cujus
 hæres ipse est: in quo fiat mentio,
 quod de deforciatore & hærede tenere
 debeat: Vel quod ostendat, quod
 warrantus sit seifitus de homagio suo
 pro ten. petito, quod habet inquiri,
 si dedicat. per eos, in quorum præ-
 sentia dicet se fecisse hom. simul cum
 aliis liberis & leg. hominibus juratis:
 Vel quod teneat ten. illud in excam-
 bio pro alio ten. si per ista poterit
 deforc. dacer. warr. suum ad warr.
 reman-

remanebit in mis. Domini Regis,
quia dedixit warr. & nihilominus
considerabit, quod warr. & respon-
deat ad assisam, si voluerit. Multa
alia potest deforcior dicere contra
ass. videlicet quod antecessor, de
cujus morte, &c. fecit feloniam, pro
qua fuit suspensus, & utlagatus, vel
tanquam publicus latro fugiens &
juri non parens decaptatus, vel si
confitens feloniam coram Coronat:
Walliam abjuravit.

¶ Potest etiam deforcians obicere
petenti bastardiam, & tunc mandet
Episc. loci, quod rei veritatem super
hoc inquirat, & certificet inde capi-
talem Justic. *Wall.* Et secundum
quod Episcopus certificavit, proce-
dat ad iudicium sine captione assise.
Et si Episcopus mandet, quod bastar-
dus est præcludat omni via petendi.
Et si mander, quod legitimus est,
Justic. fac. venire deforc. per sum. &
si necesse sit per resum. reservata
Regi mis pro defalta. Et sæpe dictum
est, post resum. sive ven. sive non
recuperabit petens demandam suam
per testim. Episcopi: cujus testim.
non creditur in contrarium, & re-
mane

Regis.
minus
spon.
Mult
contra
r, de
a, pro
s, vel
ens &
vel si
conat:

bicere
mandet
super
e capi-
undum
proce-
assisa.
astar-
tendi.
us est,
um. &
ervata
ictum
e non
suam
estim.
& re-
mane:

manebit in mis. Regis. Multa alia
potest deforcians dicere, quod diffi-
cile esset enumerare: sicut antecessor,
de cujus seifina ass. arraniata est, fuit
villanus, & terram tenuit in villen.
vel quod tenuit ad voluntatem, vel
ad terminum vitæ, vel annorum. In
quibus casibus ass. mortis antec. non
jacet. Non debent autem supradictæ
ass. no. diss. & mortis antec. capi, nisi
in propriis com. ne propria laboribus
& expensis fatigetur: sed per Justic.
capiantur assisæ bis, ter, vel quater in
anno.

Dictum in parte de brevibus ass. &
de processu eorundem, modo dicen-
dum est de placitis, quæ terminari
habent per inquisitionem seu per ju-
ratam: quorum quædam sunt de re-
bus immobilibus, sicut de ten. sive de
mobilibus, sicut de debitis & catall.
quædam de utrisque, sicut de trans-
gressione. Sed primo de ten. & im-
mobilibus aliquid est dicendum, de
quibus provisum est breve, cujus for-
ma inter cætera brevia partium illa-
rum continetur. Processus istius
brevis est talis. Primo inventis pleg.
de prof. Vic. fac. sum. per bonos
sum.

sum. ten. quod sit ad certum diem, ad quem si non venerit, fiat alia summonitio ad alium diem : Et si ad secundum diem non venerit, summonetur, quod sit ad certum diem : ad quem si non venerit, nec se essoniari fecerit, adjudicabitur petenti seifina per defaultam, & deforcians remanebit in misericordia Regis, reservata Regi misericord. pro qualibet defaulta, sicut prædict. est.

¶ Cum vero deforcians compar. quia per verba brevis non potest sciri petitio petentis, eo quod multæ, & quali infinitæ sunt rationes petendi, necesse habet ille, qui petit, quod narret versus deforciantem, & exprimat rationem petitionis suæ, & hoc per verba veritatem continentia, sine calumnia verborum non servata illa consuetudine : *Qui cadit à syllaba, cadit à tota causa.*

¶ De rationibus petendi quales sint & esse debeant, expedit quod aliquid sub brevitate dicat. Multoties habet petens jus, per hoc quod antecessor suus tenuit terram & fuit seifitus, ut de jure & de feodo, & tunc necesse habet petens narrar. descen-

sum parentele descendendo ad ipsum. Contingit etiam, quod aliquis dimittit terram suam ad terminum vitæ vel annorum, post quem terminum, ad ipsum vel ad heredes suos terra debet reverti, vel etiam debet ad ipsum reverti post mortem mulieris tenentis in dotem vel tanquam escaeta post mortem tenentis sui felonis. In quatuor casibus prædictis, vel post mortem alicujus debet terra remanere alii per formam donationis. In istis casibus & similibus exprimat petens petitionem suam secundum casum suum. Et in casibus illis & consimilibus, quibus utendum brevi prædicto, illo, & non alio utatur: & audita ratione petentis, habeat tenens visum terræ, si petat: & det. dies: infra quem fiat, visus. Et ad diem datum post visum respondeat deforcians, qui vocare poterit ad warrantum per auxilium cur. sicut dictum est in brevi mortis antec. Et justic. fac. venire warrantum, sicut venire fecit principalem deforc. per unam summonitionem, & si necesse sit per secundam & tertiam, ad quam si non venerit, puniatur: tamen
 pro

pro qualibet defalta (ut prædictum est) adjudicabit petenti seilina rei petitiæ per defaltam warranti , & deforcians habeat de terra warranti ad valentiam , & warrantus sit in mis. Si warrantus venerit , & gratis warrantizaverit recipiet ad responsionem & placiti defensionem sine visu terræ habendo. Si autem warrantizare dedixerit , deducatur placitum de warrantia inter eos , secundum quod dictum est supra in brevi mortis antec. Si autem deforcians excipiat contra petentem , quod antecess. suus , de cujus seilina petit , vel aliquis in descendendo fuit bastardus : ita quod ab ipso , vel per medium ipsius nihil potest ei descendere , audiatur , vel ostendat cartam antecessoris sui de feoffamento , vel alicujus in descendendo de quieta clamantia : & per unius partis affirmationem & alterius negationem descendant partes ad leg. inquisitionem , & per veredictum inquisic. terminet placitum : quia placita de terris in partibus istis non habent terminari per duellum , neque per magnam assisam. Eodem modo si excipiat , quod antecessor vel aliquis

quis in descendendo commisit feloniam, per quam sibi non competit actio: In quo casu si ille, cui hoc opponitur, neget: potius habet negotium terminari per recordum Justic. vel per inquis. patriæ: De suspensione & de-captione, & etiam per recordum Coronatorum de utlagaria & abjuratione. Similiter in petitione ten. quod debet reverti post terminum præteritum, vel per modum donationis per affirmationem unius partis, & per negationem alterius descendatur ad inquisic. patriæ: & per veredictum ejus adjudicetur.

¶ De articulo alio sc. de mobilibus debitis sive catallis est dicendum: Super quo provisum est breve de debito in forma præscripta. In hoc bre. sic est procedendum. Primo inventis pleg. de prof. summoneat. debitor sive reus, quod sit coram Just. ad certum diem, ad quem si non venerit, nec se effoniaverit, adjudicet debitum petenti per defaultam simul cum damnis per discretionem Justic. vel per inquisitionem patriæ pro voluntate Justic & debitor remaneat in mis. Domini Regis, reservata semper Regi

pro qualibet defalta (ut prædictum est) adjudicabit petenti seilina rei petita per defaltam warranti , & deforcians habeat de terra warranti ad valentiam , & warrantus sit in mis. Si warrantus venerit , & gratis warrantizaverit recipiet ad responsionem & placiti defensionem sine visu terræ habendo. Si autem warrantizare dixerit , deducatur placitum de warrantia inter eos , secundum quod dictum est supra in brevi mortis antec. Si autem deforcians excipiat contra petentem , quod antecess. suus , de cujus seilina petit , vel aliquis in descendendo fuit bastardus : ita quod ab ipso , vel per medium ipsius nihil potest ei descendere , audiatur , vel ostendat cartam antecessoris sui de feoffamento , vel alicujus in descendendo de quieta clamantia : & per unius partis affirmationem & alterius negationem descendant partes ad leg. inquisitionem , & per veredictum inquisic. terminet placitum : quia placita de terris in partibus istis non habent terminari per duellum , neque per magnam assisam. Eodem modo si excipiat , quod antecessor vel aliquis

quis in descendendo commisit feloniam, per quam sibi non competit actio: In quo casu si ille, cui hoc opponitur, neget: potius habet negotium terminari per recordum Justic. vel per inquis. patriæ: De suspensione & de-captione, & etiam per recordum Coronatorum de utlagaria & abjuratione. Similiter in petitione ten. quod debet reverti post terminum præteritum, vel per modum donationis per affirmationem unius partis, & per negationem alterius descendatur ad inquisic. patriæ: & per veredictum ejus adjudicetur.

¶ De articulo alio sc. de mobilibus debitis sive catallis est dicendum. Super quo provisum est breve de debito in forma præscripta. In hoc bre. sic est procedendum. Primo inventis pleg. de prof. summoneat. debitor sive reus, quod sit coram Just. ad certum diem, ad quem si non venerit, nec se effloniaverit, adjudicet debitum petenti per defaultam simul cum damnis per discretionem Justic. vel per inquisitionem patriæ pro voluntate Justic & debitor remaneat in mis. Domini Regis, reservata semper Regi.

Regi mis. pro qualibet defalta. Si vero debitor venerit, necesse habet actor exprimere petitionem & rationem suæ petitionis, videlicet quod tenet ei in centum marcis, quas sibi accommodavit, cujus solutionis dies præteriiit, vel pro terra, vel pro equo, vel pro aliis rebus seu catallis quibuscunque sibi venditis: vel pro arreragiis redditus non soluti prove-
mentis de ten. vel de aliis contractibus super quibus necesse habet producere sectam vel cartam obligationis, vel talliam ostendere. Audita & intellecta petitione, & etiam ratione petentis, respondeat debitor: quia si recognoscat adjudicetur & levatur de terris & catallis, &c. Si neget debitum, & proferat contra eum obligatio sua oportet scriptum verificari per testes nominatos in oblig. si sint superstites simul cum patria. Et si non sint testes nominati vel si fuerint mortui, verificetur solummodo per patriam: & secundum veredictum patriæ procedatur ad iudicium. Si quærens non habet obligationem, sed tantummodo producat sectam vel talliam, poterit pars adversa ostendere

dere se ei in nullo teneri, & hoc defendere per legem, scilicet per proprium Sacramentum cum xij. secum jurantibus, vel per patriam, prout eligere voluerit.

¶ Contingit aliquis, quod debitor confitetur, quod aliquis debuit ei debitum, & allegat solutionem: tunc oportet ostendere quietantiam de solutione. Vel potuit petens defendere per legem, se nihil recipisse, vel etiam per patriam, &c. Istud bre. de debito non concedat de minore summa quam xl. s. quia de minori debito placitant in com. sine brevi, & per bre.

¶ De tertio articulo, in quo provisum est breve de Conventionione, per quod aliquando petuntur mobilia, aliqua immobilia per vim conventionis initæ inter partes, quæ legi derogat. Processus istius brevis est talis. Inventis pleg. de prof. summonebit reus semel, & si necesse sit secundo. Et si ad secundam sum. non venerit, nec se essoniaverit: audiatur & ratio petentis, & capiat res petita, si sit ten. in manum Domini Regis. Et si fuerit catallum: illud vel ejus valor capiat.

capiat in manum Domini Regis , &
 Vetur alius dies. Et si infra xv. dies
 replegiaverit rem in manum Regis
 captam & ad diem sibi datum venerit :
 admittatur ad responsionem & defen-
 sionem. Sin autem adjudicetur pe-
 tenti sua petitio per defaultam , simul
 cum damnis taxatis , sicut supra dici-
 tur in brevi de debito : & remaneant
 in mis. Domini Regis : salva semper
 Regi mis. pro qualibet defaulta , ut
 prædicitur. Audita quærimonia pe-
 tentis , & ratione suæ petitionis ,
 respondeat defendens : & per affir-
 mationem unius partis & negationem
 alterius procedi poterit ad inquisiti-
 onem : & per inquisitionem patriæ
 poterit negotium terminari. Et sci-
 endum est , quod per breve de Con-
 ventione aliqua petitur liberum ten.
 ut in casu quando aliquis dimittit
 terram alteri , reddendo inde quan-
 dam certam firmam , apposita condi-
 tione in scripto conventionis , quod
 nisi ei fuerit satisfactum de firma :
 liceat ei terram , quam dimisit , in-
 gredi & ten. si ille , cui terra illa fue-
 rit dimissa , non satisfecerit de firma :
 & ille , qui dimisit , non habeat po-
 testa-

testatem, secundum tenorem scripti
sui ingrediendi terram, quam dimi-
sit, propter potentiam sui adversarii.
In hoc casu per breve de conventionem
recuperare debet ten. simul cum
damnis. Aliquando cum conveniat in-
ter aliquos, quod unus feoffabit ali-
um de aliquo ten. & ad certum diem
ei seisinam faciet, si post modum
transulerit illud ten. in tertiam per-
sonam ipsum feoffando, cum non po-
terit illud feoffamentum per priorem
contractum ad effectum non perdu-
ctum infirmari: Non poterit in isto
casu ei, cui sit injuria per breve de
conventionem subveniri, nisi in hoc
tantum, ut satisfaciat ei de damnis in
pecunia. Et si in casu competit actio
petendi ten. per breve de conventio-
ne, & in casu pecuniam seu damna
sive ten.

¶ Et quia infiniti sunt contractus
conventionum, difficile esset facere
mentionem de quolibet in speciali,
sed secundum naturam cujuslibet con-
ventionis per affirmationem unius
partis, & negationem alterius par-
tis, aut perveniet ad inquisitionem
facti, superfacto negotii, aut perve-
niet

niet ad cognitionem scriptorum la-
torum, & secundum illam cognitio-
nem erit iudicand. aut negabunt
scripta, & tunc perveniet ad inqui-
ren. de confectiōe scriptorum per
testes in scriptis nominatos, si fue-
rint, simul cum propria. Quod si
testes non fuerint nominati, vel eti-
am mortui, tunc solummodo per
patriam.

¶ De quarto articulo, videlicet
de transgressionibus personalibus,
de quibus provisum est, quod omnes
transgressiones, de quibus damna
non excedunt xl. s. placitent coram
Vic. in com. sine brevi per vad. &
pleg. Transg. quæ excedunt sum-
ma xl. s. placitentur coram Justic.
Wall. sub hac forma. Quod ante-
quam Justic. eum audiat, juret quæ-
rens, quod actio sua exced. valor.
xl. s. & hoc facto, & pleg. invento
de prof. præcipiat Justic. vel ballivo,
quod in brevi termino fac. venire
coram eo eum, de quo fit quærimo-
nia: Et audita quærimonia actoris,
respondeat reus. Et cum vix in pla-
cito transg. evadere poterit reus,
quin defendat se per patriam, de
con-

consensu partium inquirat veritatem Justic. per bonam patriam. Et inquisita veritate si invenerit reum culpabile : castiget eum per mis. vel per prisonam , vel per redentionem, & per damna læso restituenda secundum qualitatem & quantitatem delicti. Ita quod castigatio illa sit aliis in exemplum , & timorem præbeat delinquendi. Et quia dictum est supra de consensu partium, contingere poterit, quod reus refutabit inquisitionem patriæ. In quo casu si actor transg. sibi factam offerat verificare per patriam, & reus patriam refutaverit : habeatur pro convicto , & puniatur sicut si convictus esset per patriam.

¶ Et quia mulieres hætenus non extiterant dotatae in *Wallia* , Rex concedit quod dotent. Duplex est dos mulieris : una assignatio tertiæ partis totius terræ , qui fuit viri sui in vita sua, super quo fiat bre. de rationabili dote , alibi in suo loco cum cæteris brevibus *Wall.* expressum. Processus istius brevis est talis. Inventis pleg. de prof. sum. deforcians, quod sit ad certum diem , ad quem
diem

diem si non venerit, adjudicetur mulieri dos sua sc. tertia pars &c. simul cum damnis. Si vo. defendens venerit, admittitur ad responsionem sine visu terræ habendo: & format. petitione mulieris, dicat. tenenti, quod respondeat, si sciat aliquid dicere quare ipsa dotem habere non debeat: qui si nihil sciat dicere, recuperet mulier, ut supra.

Si forte objiciat, quare non debet dotem habere, eo quod nunquam fuit talis quem ipsa vocat virum legit. matrim. copulata: tunc mandabit Episcopo, quod super hoc inquirat veritatem, & inquisita veritate, certificet Justic. Wall. Et secundum certifi. Episcopi procedat ad iudicium in hac forma. Si Episcopus certificet, quod non fuit legitima, præclusa erit ei via habendi dotem. Si certificet, quod fuit uxor legit. sum. tenens, quod sit ad certum diem audiendi iudicium suum: ad quem diem si non venerit, iterum sum. tenens, quod sit ad alium diem. Ad quem diem si venerit siue non, nullo esson. allocato recuperet mulier dotem suam, & damna, & sit ten. in mis. salva
semper

semper Regi mis. pro defaultis. Si vero objiciat, quod non debet dotem habere, eo quod vir suus die quo eam desponsavit, nec unquam postea tenuit ten. unde petit dotem in feodo: ita ut eam inde dotare poterit: hujus rei veritas solummodo per patriam est inquirenda, & per veredictum patriæ ad iudicium erit procedend. Si objiciatur ei, quod non debet dotem habere, eo quod vir suus commisit feloniam: tunc si constiterit de feloniam: dotem non recuperabit. Similiter si objiciatur ei, quod vir suus amisit terram, de qua petit dotem, per iudicium, ut illam, in quo jus non habent, hoc convicto per recordum Justic. si dedicatur, coram quibus terra illa fuit amissa, vel per patriam, si in com. vel minore cur. fuit amissa, præclusa erit sibi via de dote habenda.

¶ Alia dos est, quando filius dotat uxorem suam de voluntate patris sui. Forma cujus brevis inter cætera invenietur, cujus processus talis est. Summoneatur deforcians sicut in alio brevi de dote, & eodem modo puniatur contumacia sicut in alio brevi de dote.

dote. Si vero ad diem sibi datum venerit, tunc formata petitione mulieris respondeat. Et si dedicatur dotatio facta in dicta forma & consensus dotationis, & convinci poterit per patriam, quod vir dotavit eam ad hostium Ecclesiæ de ten. patris sui, & quod pater personaliter, vel per specialem nuncium ad hoc missum consensit illi dotationi: recuperabit mulier dotem & damna.

¶ Sciendum est etiam, quod in utroque brevi potest tenens vocare ad warrantum per auxilium Cur. & procedetur in placito warrantiæ, sicut prædictum est. Sed est differentia in casu isto de dote & in casu superius per Præcipe, ubi terminatur modus procedendi in warrantiæ: Quia ibi in illo casu petens semper recuperat rem petitam, & tenens de terra warranti ad valentiam dotis petitiæ. In casu de dote alio modo est, quod tenens tenebit in pace, & mulier habebit de terra warranti ad valentiam dotis petitiæ, dum tamen tenens habeat de terra viri sui ad valentiam, unde hoc fieri possit alias vero non. De modo dotis aliter assign-

assignando, nihil ad præsens: quia aliter ulitatum est in *Walia* quam in *Anglia* quo ad successionem hæreditatis: eo quod hæreditas partibilis est inter hæredes masculos, & à tempore cuius non extiterit memoria partibilis extitit. Dominus Rex non vult, quod consuetudo illa abrogetur: sed quod hæreditates remaneant partibiles inter consimiles hæredes, sicut esse consueverunt: & fiat partitio illius sicut fieri consuevit. Hoc excepto quod bastardi non habeant de cætero hæreditates, & etiam quod non habeant p. partes cum legitimis nec sine legitimis. Et si forte hæreditas aliqua ex tunc pro defectu hæredis masculi descendat ad legitimas mulieres hæredes ultimi antecessor. sui inde seisciti, volumus de gratia nostra speciali, quod eodem modo mulieres legitimæ habeant p. partes suas inde sibi in Cur. nostra assign. licet hoc sit contra consuet. *Wallensicam* ante ulitatum. Et quia *Wall.* nobis supplic. ut eis concedamus, quod de rebus suis immobilibus veluti de terris & ten. inquiratur veritas per bonos & leg. homines de visneco de

consensu partium electos, & de mobilibus sicut de contractibus, debitis, fidejussionibus, conventionibus, transgressionibus, catallis, & omnibus aliis hujusmodi mobilibus uti possint lege *Wallensica*, qua uti consueverunt, quæ talis erat. Quod si aliquis conquereret de alio de contractibus vel factis in tali loco, quod posset intentio, quærentia probari per. videntes & audientes. Cumque petens per hujusmodi testes, quorum testim. reprobari non posset, probaverit intentionem suam, recuperaret rem petitam, & condemnaretur pars adversa: & in aliis, quæ non possit probari per videntes & audientes, esset pars defendens ad purgationem suam, aliquando cum pluribus, aliquando cum paucioribus secundum qualitatem & quantitatem rei vel facti: & in furto si furtum inven. in manu, se purg. non posset, sed pro convicto haberetur.

¶ Nos pro communi pace & quiete dicti populi nostri terræ nostræ *Wall.* præmissa eis concedimus. Ita tamen quod in furtis, latrociniis, incendiis, murdris, & roberiis manifestis & noto-

notoriis locum non habeant , nec ad
 ea aliquatenus se extendant : in qui-
 bus volumus , quod utantur legibus
Anglie, prout superius est expressum.
 Et ideo vobis mand. quod præmissa de
 cætero in omnibus firmiter observe-
 tis. Ita tantum quod quotiescunque,
 & quodocunque , & ubicunque no-
 bis plac. possimus prædicta statuta,
 & eorum partes singulas declarare,
 interpretari, addere, sive diminuerè
 pro nostræ libito voluntatis, prout
 securitati nostræ , & terræ nostræ
 prædictæ viderimus expedire. In
 cujus rei testimonium præsentibus
 sigillum nostrum est appensum. Dat
 apud *Rothelan.* die dominica in medio
 quadragesimæ. Anno Regni no-
 stri xij.

*An Abridgement of the Statutes
uniting Wales to England, and
establisbing the Courts of the
Great Sessions there.*

I. Stat. 26. H. 8. 4. Forthwith upon the charge given to an Enquest in *Wales* or the Marches thereof, upon any traverse against the King, or trial of any recognizance broken, or any forfeiture due to the King, or upon trial of any murderer, felon, or accessory, an officer or other person shall be deputed and sworn in open Court for the true keeping of the Jurors, who (without special order of the Court) shall not suffer them to have any bread, drink, meat, fire, or light, nor to speak to any person whatsoever; nor speak to them himself, before they are agreed upon their verdict, unless it be only to ask them, whether or no they are agreed; and all this such Keeper shall observe, in pain to be imprisoned and fined, at the discretion of the Court.

II. Here if the Jurors give any untrue Verdict against the King, contrary to good and pregnant Evidence, or otherwise misdemean themselves, the Lord President and Council (upon complaint thereof) have power to convent them before the said Council, and to punish them at their discretion.

III. Stat. 26. H. 8. 6. All Persons dwelling in *Wales*, or the marches thereof, upon warning of any Court to be kept within their respective limits, shall appear there in proper person to do their service, in pain of such fines, forfeitures, and amerciaments, as shall be assessed upon them by the respective Courts where they owe such service, to be levied by distress, to the use of the King within his Lordships there, and of other Lords marchers within theirs.

IV. If any Steward or other Officer there do feign any untrue surmise against any person that shall so appear, as aforesaid, and thereupon commit him to prison, contrary to Law, or the Custome of that Lordship, the Commissioners or Council

(upon complaint) have power to send for such Steward or Officer, and if upon good proof it be found that the party was so imprisoned without lawful cause, they shall assess such Steward or Officer to pay him 6 s. 8 d. for every day of his imprisonment, or more (at their discretions) as the damage shall deserve: the Commissioners shall also fine him to the Kings use, whether he appear or not, and may compel him by imprisonment to pay such fines and penalties both to the King and the party grieved.

V. Courts in *Wales* and the Marches thereof, shall be kept in the most sure and peaceable places of each Lordship Marcher, where the Justice, Steward, or other Officer thereof shall appoint.

VI. Justices of Peace and Goal-delivery in the Counties next adjoining to *Wales*, where the King's Writ runneth, may hear and determine the offences of Counterfeiters, Washers, Clippers, or Diminishers of Coin, and all Felonies, and their Accessories, committed in *Wales* or the

the Marches thereof: And acquital or fine making for any of the said offences in any Lordship Marcher, shall be no bar for any Person or Persons indicted for the same within two years next after such offence committed.

VII. The said Justices of Peace and Goal-delivery have power to award all manner of Process, as well of Outlawry as otherwise, against every such offender, and shall send to the Lord or Officer of the Lordship where the Offender is resident, a Certificate under the Seals of two of them at least, of any such Outlawry or Attainder, commanding him under the pain of 100*l.* to be forfeited to the King, to apprehend or cause to be apprehended the body of such Offender, and safely to keep him, until such convenient time before the next Goal delivery of the County where he was so outlawed, as shall be thought fit for his conveyance thither, and then he shall be conveyed from Marcher to Marcher by the Lords or Officers thereof, to the said next Sessions of

Goal-delivery of the County where he was so outlawed, as aforesaid: And here the Lords Marchers and Officers aforesaid, by whom he is so to be conveyed, shall not be negligent herein, in pain to forfeit (each of them so making default) 100*l* to be levied to the King's use: Also the said Lords, or other Officers, shall at the said Sessions make due return of such Certificate, upon the like pain. Howbeit here all Traverses, Challenges, Exceptions, Advantages, and all other Pleas upon any such Outlawry are saved to the Offender.

VIII. Here an Offender attainted of Felony as principal or accessory upon surety found for the good behaviour may (for one time only, by the assent of the President and two Commissioners) be discharged, and admitted to a fine, to be levied for the Kings use, so as no appeal be then depending against him for such offence.

IX. Provided that this Act shall not extend to abridge the liberty of any Lord Marcher, unless such Offender be outlawed, or attainted by force of this Act within two years

yeares after the offence committed.

X. All Felonies and their Accessaries committed in the County of *Merioneth* shall be inquired, heard and determined in the Counties of *Carnarvan*, or *Anglesey*, before the Justice of North *Wales*, or his Deputy, by Enquest of *Carnarvan* and *Anglesey*, or otherwise at the discretion of such Justice or his Deputy.

XI. All Officers and their Deputies upon command of the Commissioners, or Council, shall bring, send, or deliver every Offender in Felony to the Officer of the Lordship Marcher, or other place where the offence was committed, upon the bounds of such Lordship, or to the said Commissioner or Council, as such Officers shall be commanded, in pain of 40 *l.* which command shall be so sent by a Serjeant at Arms, or a Pursuivant, then Attendant upon the said Council.

XII. Stat. 27. H. 8. 26. *Wales* shall be incorporated, united, and annexed to and with *England*; and all Persons born there shall enjoy all Liberties as other Subjects in *England* do: also
Lands

Lands shall descend there according to the English Laws, and not after the form of any Welch Laws or Customs.

XIII. The Laws and Statutes of this Realm, and none other, shall be had and u'ed, and executed in *Wales*, in like manner as in this Realm, and as shall be further declared by this Act.

XIV. Divers Lordships Marchers are united to English Counties, others to Welch Counties, and the residue are divided into new particular Counties by themselves, viz. *Monmouth, Brekenoke, Radnor, Montgomery, and Denbigh.*

XV. The County of *Monmouth* shall consist of these Lordships, Townships, Parishes, Commotes, and Cantredes, viz. *Monmouth, Chepstow, Ma-herne, Llanvihangel, Magor, Goldecliffe, Newport, Wenlong, Llanwerne, Caerlion, Uske, Treleck, Tinterne, Skinfreth, Grousmount, Wite Castle, Regian, Calicote, Biston, Abergavenny, Penrose, Greenfield, Maghen, and Hochuystade*; all which said places shall be hereafter guildable, and reputed as parts
and

and members of the County of *Monmouth*, whereof *Monmouth* shall be reputed the Shire - Town: And the Sheriff of the County shall keep his Country Court at *Monmouth* and *Newport alternis vicibus*.

XVI. All Actions for Lands and other things may be laid and sued in the County of *Monmouth*, and tried there by Assize, or *Nisi prius*, and *Venire facias*; and all other Process may be awarded thither by the Justices: Also the Inhabitants there shall be obedient to the Kings Officers and Laws, and the Sheriffs and Escheators of that County shall perform their duties, and render account in the Exchequer, as is used in or for any other County of *England*.

XVII. The Lordships, Towns, &c. to be reputed members of *Brekenoke-shire* shall be *Brekenoke*, *Crekehowell*, *Tretonre*, *Penkelly*, *English Talgarth*, *Welch Talgarth*, *Dians*, the *Hai*, *Glinebogh*, *Broyulles*, *Canterbely*, *Lando*, *Blainlinby*, *Estrodeu*, *Buelthe*, and *Lingros*: Also the Shire-Town shall be *Brekenoke*, and the Shire Court shall be kept there.

XVIII.

XVIII. The Lordships, Towns, &c. of Radnorshire shall be *New-Radnor*, *Elisrman*, *Elvelles*, *Bonghred*, *Glasebury*, *Glawdistre*, *Mihelles Church*, *Meleneth*, *Blewagh*, *Knighton*, *Norton*, *Preston*, *Commorhader*, *Rayder*, *Gwethronyon*, and *Stonage*: Here also *New-Radnor* shall be the Shire-Town, and the County or Shire-Court shall be holden at *New-Radnor*, and *Rosher Gwy* in the same County *alternis vicibus*.

XIX. Those of Mountgomeryshire shall be *Mountgomery*, *Cedwenkery*, *Cawryland*, *Arustely*, *Kiviliocke*, *Doythar*, *Powesland*, *Clunesland*, *Balisle*, *Temycester*, and *Alcestre*: Whereof *Mountgomery* shall be the Shire Town, and the County-Court shall be holden there, and at *Maghenteth* in the same County *alternis vicibus*.

XX. Those of Denbighshire shall be *Denbyland*, *Ruthin*, *Saint Kynllethowen*, *Bromfield*, *Yale Chirk*, *Chickland*, *Molesdale*, and *Hopeisdale*: The Shire-Town also shall be *Denbigh*, and the County Court shall be holden at *Denbigh* and *Wrixham* in the said County, *alternis vicibus*.

XXI.

XXI. The King shall yearly appoint Sheriffs, Escheators, and other Officers accountants for the Counties for *Brekenoke*, *Radnor*, *Montgomery*, and *Denbigh*, and shall have a Chancery and Exchequer at *Brekenoke*, where the said Officers of the Counties of *Brekenoke* and *Radnor* shall yearly accompt before such Auditors, Chamberlain and Baron, as the King shall appoint for that purpose. There shall be also another Chancery and Exchequer at *Denbigh*, where the said Officers of the Counties of *Montgomery* and *Denbigh* shall also accompt before such Auditors, Chamberlain, and Baron, as aforesaid.

XXII. Justice shall be administred and executed in the Counties of *Brekenoke*, *Radnor*, *Montgomery*, and *Denbigh*, according to the Laws and Statutes of *England*, and such other Customes and Laws now used in *Wales*, as the King and his Council shall allow, by such Justice, or Justicers, as shall be thereunto appointed by the King, and after such manner as Justice is administred in
the

the Counties of *North - Wales*.

XXIII. In the Marches of *Wales* there shall be made guildable, and annexed to the County of *Salop*, the Lordships, Towns, Parishes, Com-motes, Hundreds, and Cantredes of *Oswestrie*, *Whetington*, *Masbroke*, *Knocking*, *Ellesmer*, *Down*, and *Cherbury* Hundred: Here also *Oswestrie*, *Whetington*, *Masbroke*, and *Knocking* shall be known by the name of the Hundred of *Oswestrie*, and the Inhabitants thereof shall be attendant at Sessions, Assizes, and Goal-delivery, as the Inhabitants of other Hundreds within the said County of *Salop* use to do. Also *Ellesmer cum membris* shall be united to the Hundred of *Pimhill in Com. Salop.* and the Inhabitants thereof shall be attendant, as aforesaid. Likewise the Lordship of *Down cum membris* shall be united to the Hundred of *Cherbury in Com. Salop.* and the Inhabitants thereof shall give their attendance, as aforesaid. Howbeit, neither the said Hundreds of *Cherbury* or *Oswestrie*, nor the Lordship of *Ellesmer* shall be hereby otherwise priviledged then

as Hundreds annexed to the County of *Salop*, as other Hundreds be within the same County.

XXIV. In like manner the Lordships, Towns, Hundreds, &c. annexed to the County of *Hereford*, are *Ewyas Lacy*, *Ewyas Harold*, *Clifford*, *Winforton*, *Yerdesley*, *Huntington*, *Whitney*, *Wigmore*, *Logharneis*, and *Steplinton*, whereof *Wigmore* and *Logharneis*, with their members, shall be called the Hundred of *Wigmore*; and *Ewyas Lacy*, *cum membris*, the Hundred of *Ewyas Lacy*: but *Ewyas Harold* shall be united to the Hundred of *Webree* in *Com. Hereford* and *Clifford*, *Winforton*, *Yerdesley*, *Whitney*, and *Huntington*, shall be called the Hundred of *Huntington*: Here also the Inhabitants shall be attendant at Sessions, Assizes, and Goal-delivery holden for the County of *Hereford*; but these Lordships, &c. shall claim no privilege but as Hundreds, or Members of Hundreds of the same County.

XXV. Likewise the Lordships, Towns and Parishes of *Wollaston*, *Tidnam*, and *Becheby*, and all Honours,

nours, Lordships, Castles, Lands, Tenements, and Hereditaments lying between *Chepstow bridge* and *Glocestershire*, shall be annexed to the County of *Glocester*, as part thereof, and shall be parcel of the Hundred of *Wesbury* in that County: Also the Inhabitants thereof shall be attendant, as aforesaid, and shall claim no privilege but as Hundreders of the Hundred of *Wesbury* aforesaid.

XXVI. *Cowerwisney, Bishops Town, Landaffe, Signithe supra, Signithe sub-
tus, Miskin, Omore, Glencothney, Tal-
lagarn, Ruchien, Tallavan, Lambelthion,
Lantwid, Tyerial, Avan, Neth, Land-
way*, and the *Clays* shall be guildable, and united to the County of *Glamor-
gan*; and Justice shall be administred in *Glamorganshire* (so united) accord-
ing to the Laws of *England*, (as in
the three Counties of *North-Wales*)
and not according to the Welch
Laws.

XXVII. *Lanemthevery, Abermeles,
Redwely, Elkenning, Cornwolthon, New-
castle, Emlin*, and *Abergoyly* shall be
guildable, and annexed to the Coun-
ty of *Caermarthen*, where also Justice
shall

shall be admimistred as aforesaid.

XXVIII. *Haverford west, Kilgaran, Lansteffan, Langherne, alias Tellan-ghern, Walwincastle, Dewis land, Lanny baddein, Lanfrey, Herbirth, Slebeche, Rosmarket, Castellan, and Lland of Loute* shall be guildable, and annexed to the County of *Pembroke*, wherein Justice shall be admimistred as aforesaid.

XXIX. *Tregarn, Generglin, Landwy and Urency* shall be guildable, and united to the County of *Caraigan*, and there also Justice shall be admimistred as aforesaid.

XXX. *Mountmay* shall be guildable, and annexed to the County of *Merioneth in North-Wales*, as a commote or part thereof.

XXXI. All Justices, Commissioners, Sheriffs, Coroners, Escheators, Stewards and their Lievtenants, and all other Officers and Ministers of Law shall proclaim and keep Sessions, Courts, Hundreds, Leets, County-Courts, and all other Courts in the English tongue, and all Oaths of Officers, Juries, and Enquests, and all Affidavits, Verdicts, and Wagers
of

of Law shall be given and done in the same tongue.

XXXII. None that use the Welch language, shall have or enjoy any Office or Fees in any of the Kings Dominions, but shall forfeit them unless he use the English.

XXXIII. The Sheriffs of *Monmouth, Brekenoke, Radnor, Mountgomery* and *Denbigh*, shall put every unruly person under common Mainprize, as the Sheriffs of the three Counties of *North-Wales* use to do.

XXXIV. The Sheriff of *Monmouth* shall certifie such Recognizances, common Mainprize, and Surety of Apparence at every Quarter-Sessions of that County, and the persons so bayled shall appear at the two Sessions holden at *Easter* and *Michaelmas*, until they be released.

XXXV. The Sheriffs of *Brekenoke, Radnor, Mountgomery*, and *Denbigh* shall certifie such Recognizances, &c. before such Justice as the King shall appoint, at every Sessions to be holden in the said Counties.

XXXVI. All persons under Bail for appearance in the Counties of
Brekenoke,

Brekenoke, Radnor, Mountgomery, Denbigh, Glamorgan, Caermarthen, Pembroke, and Cardigan, (either by the Sheriffs or Justices of those Counties) shall appear before the said Justices at every Sessions, as is used in the three Counties of North-Wales.

XXXVII. The lay and temporal Lords Marchers shall have the moiety of every such Recognizance forfeited within their respective Precincts, to be paid them by the Sheriff, (if he can levy them) who is also to answer the other moiety to the King in the Exchequer upon his account.

XXXVIII. The Lord Chancellor shall (forthwith after this Parliament) direct a Commission under the great Seal for the division of the Counties of *Caermarthen, Pembroke, Cardigan, Monmouth, Brekenoke, Radnor, Mountgomery, Glamorgan and Denbigh* into convenient Hundreds to be returned into the Chancery, and there to remain of Record, which shall be of like force as an Act of Parliament.

XXXIX. Commissions also shall
issue

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Brekenoke, Radnor, Mountgomery, Denbigh, Glamorgan, Caermarthen, Pembroke, and Cardigan, (either by the Sheriffs or Justices of those Counties) shall appear before the said Justices at every Sessions, as is used in the three Counties of North-Wales.

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XXXIX. Commissions also shall
issue

issue forth to enquire after the Welch Laws and Customs, and such of them as shall be thought fit (by the King and Council) to be continued, shall stand and be in full force , notwithstanding this Act.

XL. Two Knights for the County , and one Burgefs for the Burrough of *Monmouth* shall be chosen to serve in Parliament.

XLI. Also , one Knight shall be chosen for each County of *Brekenoke*, *Radnor*, *Mountgomery*, and *Denbigh* , and for every other County in *Wales*, and for every Burrough , being a Shire-Town, (except the Shire-Town of *Merioneth*) one Burgefs.

XLII. The said Knights and Burgeffes shall be elected, and enjoy like Priviledges and Fees, as Knights and Burgeffes of *England* : And the Knights Fees shall be levied of the Commons of each County , and those of the Burgeffes , as well of the Shire-Towns , whereof they be Burgeffes , as of all other ancient Burroughs within the said respective Counties.

XLIII.

XLIII. All Lords Marchers shall enjoy all such Liberties, Mises, and Profits as they had, or used to have at the first entry into their Lands in times past, notwithstanding this Act.

XLIV. The Laws and Customs of the three Counties of North-Wales, and of the County Palatine of Lancaster are saved.

XLV. This Act shall not extend to derogate any other Act heretofore made for the trial of Treason, Murder, or Felony, or accessaries thereunto; committed in any Lordship Marcher in Wales, or in any Court of England next adjacent thereunto.

XLVI. Lands by the Custom payable amongst males shall so continue, notwithstanding this Act.

XLVII. The King hath power (within three years) to suspend or repeal this Act: As also (within five years) to erect as many Courts (of Record or others) and to appoint as many Justices and other Officers in Wales, as he should think fit.

XLVIII.

XLVIII. Stat. 33. H. 13. *Hope, Asaph, Hawarden, Moldesdale, Mereford and Oseley*, shall be reputed to be within the County of *Flint*, as part thereof, and not in any other County. Howbeit, they shall pay their Taxes with the Inhabitants of such Shire or Shires, as hath been formerly accustomed.

XLIX. Also *Hope, Moldesdale, Mereford, Oseley, and Hawarden*, shall be called the Hundred of *Moldesdale*, in the County of *Flint*; and *Asaph* shall be reputed parcel of the Hundred of *Ruthland* in the same County.

L. Stat. 34, 35. H. 8. 26. *Wales* shall be divided into twelve Counties, whereof eight were ancient Counties, viz. *Glamorgan, Caermarthen, Pembroke, Cardigan, Flint, Carnarvan, Anglesey, and Merioneth*; also four other were made by the Statute of 27 H. 8. 26. viz. *Radnor, Brekenoke, Mountgomery, and Denbigh*, besides the County of *Monmouth*, and divers Lordships united to the Counties of *Salop, Hereford and Gloucester*.

LI. The limitations of Hundreds lately made within the said Counties by Commission out of the Chancery, and again returned thither, shall stand in force, except such of the same, as have been since altered by any Act, and shall be altered by this.

LII. There shall remain a President and Council in *Wales* and the Marches thereof, with Officers and Incidents thereunto as hath been used, which President and Council shall hear and determine such Causes, as shall be assigned to them by the King, as heretofore hath also been used.

LIII. Sessions shall be kept twice a year in the Counties of *Glamorgan*, *Brekenoke*, *Radnor*, *Caermarthen*, *Pembroke*, *Cardigan*, *Mountgomery*, *Denbigh*, *Carnarvan*, *Flint*, *Merioneth*, and *Anglesey*, which Sessions shall be called the Kings great Sessions.

LIV. The Justices of *Chester* shall hold Sessions twice a year in the Counties of *Denbigh*, *Flint*, and *Mountgomery*, for his old Fee of 100 l. per annum.

LV. The Justices of North *Wales* shall do the like in the Counties of *Carnarvan*, *Merioneth*, and *Anglesey*, and shall have a Fee of 50 *l. per annum*.

LVI. A person learned in the Law (to be appointed by the King) shall be Justice in the Counties of *Radnor*, *Brekenoke*, and *Glamorgan*, and shall likewise hold Sessions twice a year, and have for his Fee 50 *l. per annum*.

LVII. Another such person (to be appointed as aforesaid) shall be Justice in the Counties of *Caermarthen*, *Pembroke* and *Cardigan*, and shall hold Sessions, and have Fee as aforesaid.

LVIII. The said Justices shall have Commissions under the Great Seal for their Offices, to be executed by themselves or their Deputies.

LIX. These Justices may hold Pleas for the Crown in as large manner as the Lord Chief Justice, or the other Justices of that Bench may do; and also Pleas of Assizes, and all other Pleas and Actions, real, personal, and mixt, in as large manner as the Chief

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Chief Justice of the Common Place, or the other Justices of that Court may do.

LX. They shall also enquire, hear, and determine, all criminal offences whatsoever, committed within their several limits, and administer common justice to all the Kings Subjects there, according to the Laws, Statutes, and Customs of *England*, and this present Ordinance.

LXI. The said Sessions shall each of them hold six dayes, as hath been used in *North-Wales*, and notice thereof shall be given (by Proclamation) fifteen dayes (at least) before they keep the same.

LXII. Dayes shall be given in all Pleas, Plaints, Proceſs, and Adjournments from day to day, and Sessions to Sessions, at the discretion of the said Justices, for the good and speedy administration of Justice.

LXIII. The Seal for the three Counties of *North-Wales*, viz. *Merioneth*, *Carnarvan*, and *Anglesey*, shall remain in the custody of the Chamberlain of *North Wales*. The Seal

Seal for *Carmarthen*, *Pembroke*, and *Cardigan*, with the Chamberlain of *South Wales*. That for *Brekenoke*, *Radnor*, and *Glamorgan*, with the Steward and Chamberlain of *Brekenoke*. That for *Denbigh* and *Montgomery*, with the Steward and Chamberlain of *Denbigh*. And that for *Flint*, with the Chamberlain of *Chester*.

LXIV. The said Stewards and Chamberlains shall with the Seals seal all original Writs and Process, returnable before the Justices at the Sessions as aforesaid, and shall answer the Profits thereof to the King: But none of them, or any Chancellor shall by occasion of keeping such Seals, compel any person, inhabiting in any of the said twelve Shires, to appear before themselves or their Deputies, or hear or determine any Pleas or Causes whatsoever, otherwise then as by this Ordinance is limited: And such Writs and Process shall be returned before the said Justices, as hath been used before the Justice of *North-Wales*.

LXV. All that shall be Stewards,
Cham-

Chamberlains, or Chancellors within any of the said twelve Shires, having Offices of Receipt, Collection, or account of any of the Kings Rents, Revenues, or Profits there, may direct Process under the said Seal (being in their charge) within the limits of their Authorities, against Bailiffs, Reeves, Farmers, and other Ministers accomptant, to appear before themselves for any such Rents, Revenues, Farms, or Profit, as hath been heretofore used: But for nothing else, nor to any other person.

LXVI. The Stewards also may hold Leets, Law-dayes, or Court-Barons of the Lordships whereof they are Stewards, and also Pleas by Plaint under 40 s. in every such Court-Baron, and have and enjoy all Authorities and Profits thereunto belonging, notwithstanding any Law or Custom in *Wales* to the contrary: Howbeit neither they nor Sheriffs shall have power to enquire of Felonies in any such Leet, Law-day, or Turn: Neither shall they keep any Leet or Law-day, but in

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such

such places where they were used to be kept, before the Statute of 26 H. 8. 6. So as the place be convenient for the keeping of such Courts.

LXVII. Maiors, Bailiffs, and Head-Officers of Corporate Towns in *Wales* may hold Pleas, and determine Actions; so as they observe the Laws of *England*, and not Welch Laws or Customs; They may also try Issues by six men, (as in divers places hath been used) notwithstanding this Act.

LXVIII. The King may within seven years dissolve Boroughs in *Wales*, and erect others there by his Letters Patents.

LXIX. Officers certain Fees (appearing in the Kings Letters Patents) shall continue, but not their casual Fees, claimed by colour of their Offices, any Custom in *Wales*, or this Act to the contrary notwithstanding.

LXX. Each Justice shall also have a judicial Seal to seal all Bills and judicial Processes sued before them in the Sessions, whereof the first shall remain with the Justice of *Chester*,
for

for *Flint, Denby, and Mountgomery*: The second with the Justice of *North-Wales*: The third with the Justice of *Glamorgan, Brekenoke, and Radnor*: And the fourth with the Justice of *Pembroke, Caermarthen, and Cardigan*: Also every such Justice shall accompt and answer to the King the Profits of the Seal in his custody, as shall be hereafter declared: And the *Teste* of every Bill and Process, that passeth under such Seal, shall be under the name of the Justice, that issueth it out, as is used in the Common Place in *England*.

LXXI. All Actions real and mixt, Attaints, Conspiracies, Assizes, *Quare impedit*, Appeals of Murder and Felony, and all Actions grounded upon any Statute, shall be sued by Original Writs sealed with the Original Seal, and returnable before the Justices at their Sessions; but all personal Actions, as Debt, Detinue, Trespass, Account, and the like, amounting to the summe of 40 s. or above, shall be sued by such Writs Original, or by Bills, at the election of the Plaintiff, as is used in *North Wales*. I 4 LXXII.

LXXII. All personal Actions under the sum of 2 *l.* may be sued by original Bill, (as is also used in *North-Wales*) sealed by the Judicial Seal, remaining in the custody of the Justice.

LXXIII. The Fee for sealing every original Writ upon the Causes aforesaid, and for every Bill in Actions personal (when the Debt and Damages amount to 2 *l.* or above) is 6 *d.* and for every Judicial Process, sued upon any such original Writ or Bill 7 *d.* whereof the King shall have 6 *d.* and the Justice 1 *d.* And for every Bill in personal Actions, when the Debt and Damages amount not to 2 *l.* and for every Judicial Process to be sued upon the same 3 *d.* whereof the King is to have 2 *d.* and the Justice 1 *d.*

LXXIV. All Writs of *Scire facias*, and Writs of *Good Abearing*, or for the *Peace*, or Writs of *Superfedeas* upon the same, and all other Processes sued before the Justices upon any Record or Suggestion shall be sealed with the Judicial Seal, for which the Plaintiff shall pay 7 *d.* whereof
the

the King is to have 6 *d.* and the Justice 1 *d.*

L X X V. Every Exemplification upon any Record shall be sealed by the Judicial Seal, for which the Plaintiff shall pay 1 *s.* 8 *d.* whereof the King is to have 1 *s.* 4 *d.* and the Justice 4 *d.*

LXXVI. Recoveries and Fines, Concords and Warrants of attorney for the same, may be taken before the said Justices of Lands, Tenements, and Hereditaments within their Authority, by force of his general Commission; without any *dedimus*, as is used before the Chief Justice of the Common Place.

LXXVII. All Fines levied before any of the Justices, with Proclamation made the same Sessions: it shall be engrossed; and in two other great Sessions then next following shall be of the same force as Fines levied with Proclamations before the Justices of the Common Place.

L X X V I I I. Every Person suing Writs of Entry in the *Post*, or Writs of Covenant; or any other Writs, for any recovery to be had (by as-
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sent

sent or otherwise) or for any Fine to be levied , shall pay Fines to the King's use for the same (as well Fines *pro licentia concordandi* , as all other Fines) as is used in Chancery , or elsewhere in the King's Courts of *England* ; which Fines shall be paid to such Persons as shall seal the original Writs for that purpose , who shall account for the same as they do for the profits of the said original Seal.

LXXIX. Also the King's silver (upon every such Fine) shall be paid as is used in the Common Place of *England*, viz. 2 s. and shall be received by the Justice before whom such Fine is levied, whereof the King shall have 1 s. 4 d. the Prothonotary for entering it 2 d. and the Justice the rest , who shall account for the King's profit, as he doth for the profits of the Judicial Seal.

LXXX. The four said Justices shall have each of them a Prothonotary to attend upon them , for the entering of all Pleas , Procefs , and matters of Record in Sessions , to be holden before the said Justices.

LXXXI.

LXXXI. There shall be a Marshal and a Crier in every of the said Circuits, to be named by the said Justices, as Justices of Assize in *England* use to do; which Officers shall attend upon the said Justices in their Circuits in proper Person, and not by Deputy

LXXXII. The Marshal shall have upon every Judgement, and every Fine 4 *d.* and the Crier 1 *d.* and the like Fees shall be paid upon the acquittal of Felons, and of such as be delivered by Proclamation, or out of Common Mainprise.

LXXXIII. Here also are set down the Fees that the Prothonotaries shall take for Writs, Entries, Judgements, &c. *for which see the Statute at large.*

LXXXIV. The King shall have all Fines, Issues, Amerciaments, and Recognizances forfeited, which the Prothonotaries shall yearly estreat into the Exchequer appointed for that limit, that Process may be awarded to the Sheriff to levy them for the King's use; which Sheriffs shall yearly account before the
King's

King's Auditors to be thereunto assigned.

LXXXV. Besides the President, Council, and Justices aforesaid, there shall be Justices of Peace and *Quorum*, and also one *Custos Rotulorum* in every of the said twelve Counties, who shall be appointed by the Chancellor of *England*, by Commission under the great Seal, with the advice of the President, Council, and Justices aforesaid, or three of them, whereof the President to be one.

LXXXVI. There shall not be more then eight Justices of Peace in any of the said twelve Shires, besides the President, Council, and Justices aforesaid, and the King's Attorney and Solicitor, all which Persons shall be also put in every such Commission.

LXXXVII. These Justices of Peace shall be of good name and fame, and may exercise their Office albeit they have not 20 *l. per annum*, or be not learned in the Law: but before they shall execute their Commission, they shall take such Oath as Justices of Peace

Peace in *England* use to take before the Chancellor of *England*, or else before the President, or one of the same Justices of *Wales* by *dedimus*, or before some other to be appointed by the Lord Chancellor for the purpose.

LXXXVIII. The said Justices of Peace, or two of them at least, (*1. Qu.*) shall keep their Sessions four times in the year, and at other times also upon urgent cases, as Justices of Peace in *England* use to do; for which they shall also have such allowances for themselves and their Clerks as the Justices in *England* have.

LXXXIX. Here the Fee for a Warrant of the Peace, or good Abearing is 6 *d.* for entring of Pledges to pay the King a Fine upon an Indictment 9 *d.* and if it be with Protestation 12 *d.* for a *Supersedeas* 8 *d.* and for a Recognizance 12 *d.*

XC. These Justices of Peace shall certifie Recognizances taken before any of them for the Peace and good Abearing into next Sessions; but Recognizances taken before them for suspicion of Felony, shall be certified

tified before the Justices at the next great Sessions without concealing them, upon such penalties as be therefore ordained.

XC I. All Fines and Amerciaments lost before the Justices of Peace shall be asserted by two of them at least, (1. *Qu.*) and shall be duly set without partiality.

XC II. All such Fines and Amerciaments, as also all Issues lost, forfeited Recognizances, and other Forfeitures before the said Justices of Peace, shall be yearly estreated by the Clerks of the Peace into the Exchequer appointed for that limit, to the end that Processes may be thereupon awarded for the levying of them for the King's use to the Sheriff of every County; who shall account before such Auditors as shall be thereto assigned, which Auditors shall make due allowance unto the Sheriffs upon their accounts for the Fees of the Justices and Clerks of the Peace, as is used in *England*.

XC III. The President, Council, and Justices of *Wales*, or three of them

them at least, (whereof the President to be one) shall yearly nominate three able Persons in every of the said twelve Shires , to be Sheriffs thereof, and shall certifie their names to the Lords of the Privy Council *Craft. Animarum* , to the end the King may appoint one of them in every of the said Shires to be Sheriff for that year , like as is used in *England* : And thereupon the said Sheriffs shall have their Patents under the great Seal of *England*, and shall make Oath, and acknowledge Recognizances before the President and Justices, or one of them, by a *De-dimus*, for the due execution of their Offices , and for their just account before the Kings Auditors assigned for *Wales*.

XCIV. The said Sheriffs have power to use their Offices as Sheriffs of *England* do ; shall be observant to all lawful commands and precepts of the President , Council , Justices of *Wales* , Justices of Peace , Escheators , and Coroners , and every of them in all things appertaining to their Offices ; shall yearly account

to the Auditor, or Auditors, assigned by the King for *Wales*, and shall each of them have yearly for his Fee 5 *l*.

XCV. All Officers and other Persons in *Wales*, shall be obedient, attendant, and assisting to the President, Council, and Justices of *Wales*, and shall obey the Kings commands, and Process from any of them directed, and all lawful and reasonable precepts of them, and every of them; and also shall be obedient to all Justices of Peace, Sheriffs, and Escheators, within their several limits, in all things appertaining to their duties and offices.

XCVI. Also Escheators shall be named in every of the said Counties by the Treasurer of *England*, with the advice of the President, Council, or three of them, whereof the President to be one; which Escheators shall make oaths, and acknowledge Recognizances before the President, or one of the Justices, by a *Dedimus*, for the due execution of their offices, and for their true account before the King's Auditor, or Audi-
tors.

tors, to be assigned for that purpose; which Oath and Recognizance shall be agreeable to those used for Escheators in *England*.

XCVII. Such Escheators shall yearly have their Patents under the great Seal, shall exercise their Offices as Escheators in *England*, and shall be bound to all Laws and Statutes of *England*: But they need not have above 5 *l. per annum* freehold, and shall account yearly before such Auditor, or Auditors, as the King shall assign for *Wales*.

XCVIII. There shall be also two Coroners elected for each of the said twelve Shires, by the Writ *De Coronatore Eligendo*, awarded out of the Chancery of *England*; which Coroners shall exercise their Offices, and have like Fees as in *England*: Only the Writ *de Cor. elig.* for the County of *Flint*, shall be directed out of the Exchequer of *Chester*.

XCIX. The Justices of Peace, or two of them (1. *Qu.*) shall appoint in every Hundred (within their limits) two substantial Gentlemen, or Yeomen, to be chief Constables of
the

the Hundred where they dwell , who shall preserve the Peace , and use their Offices , and be bound in all things as High - Constables in *England*.

C. The Sheriff shall have a Goal in a place of the Castle of the Shire-Town , or such other convenient place , as by the President , Council , and Justices , or three of them , (whereof the President to be one) shall be appointed , any Patent or Grant notwithstanding. The Sheriff also shall make Bailiffs of the Hundred , who shall attend upon the Justices at their Courts and Sessions.

CI. Sheriffs shall keep their Counties monthly , and their Hundred-Courts for pleas under 2 *l.* and shall take for entring of Plaints , Process , Pleas , and Judgements there , as is used in *England* , and not above. Also all Trials in such Courts , or before Stewards in Court Barons , shall be by Wager of Law , or Verdict of six Men , at the election of the Party , Plaintiff or Defendant , that pleads the Plea.

CII. Sheriffs shall hold their Turns
year-

yearly after *Easter* and *Michaelmas*, as is used in *England*.

CIII. The King shall have all Fines, Issues, Amerciaments, and Forfeitures lost in the said Courts and Turns, to his own use, and the Sheriff shall account for the same accordingly, having been first afferred by the Justices of Assize of that Circuit, before they be levied; And the Sheriff shall not levy them before they be so afferred, in pain to forfeit to the King 40 s. Also the Sheriff upon every Judgement in his County or Hundred Court, may award a *Capias ad satisfaciendum*, or a *Fieri facias*, at the election of the Plaintiff.

CIV. Certain Fees, which the Sheriff is to have for the return and execution of divers Writs, *For which see the Statute at large*.

CV. Every Sheriff within this limit may put suspicious persons under common Main-prise, according to the Statute of 47 H. 8. 26. (*which see before*) binding them with two sufficient Sureties by Recognizance, to appear before the Justices at the next great Sessions, and shall then also certi-

certifie the names of the parties so bound, without concealment.

CVI. The Sheriffs Fee for taking such common Main-prise is 2 *d.* but he shall take no Fee for the return of any Writ of Execution, unless he return the same executed.

CVII. The Fees of Sheriffs, Escheators, and Coroners, and their Ministers, Prothonotaries, and their Clerks, and other Ministers of Justice in *Wales*, shall be rated, augmented, and diminished by the President, Council, and Justices, or three of them, whereof the President to be one, from time to time at their discretions.

CVIII. None for Murder or Felony shall be put to his Fine, but suffer, according to the Laws of *England*, except it please the King to pardon him; And if the Justices see cause of pity, or other consideration, they may reprieve the prisoner, till they have advertised the King of the matter.

CIX. The Statute of the 26 *H.* 8. 6. (*which see before*) is confirmed, notwithstanding this Act; and
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from henceforth shall be put in execution.

CX. *Abertannad* heretofore reputed parcel of the County of *Merioneth*, shall now be annexed to *Salop*, and be reputed parcel of the Hundred of *Oswestry*.

CXI. If any forreign Plea or Voucher be pleaded or made before any of the Justices of *Wales*, tryable in any other County in *Wales*; in this case, the said Justice shall send the Kings Writ, with a transcript of the Record, unto the Justice of the County where the matter is tryable, commanding him to proceed to the tryal thereof, according to Law, which tryal being had, he shall remand it with the whole Record unto the Justice that sent it, who thereupon shall proceed to Judgement, as the Cause shall require: but if such Plea or Voucher be tryable in *England*, the Justice of *Wales*, before whom they are pleaded or made, may proceed to tryal thereof in such County of *Wales*, where they are so pleaded or made, such forreign Plea or Voucher notwithstanding.

CXII.

CXII. All Lands, Tenements, and Hereditaments in *Wales*, and in the Lordships and places annexed (by the Statute of 27 H. 8. 26.) to the Counties of *Salop*, *Hereford*, *Glocester*, or any other Shires, shall be English tenure, and not partable amongst Heirs males, according to the Custom of *Gavelkind*.

CXIII. No Mortgages of Lands, &c. made in any of the said Counties or places, shall be hereafter allowed or admitted, otherwise then after the course of the Common-Law and Statutes of *England*.

CXIV. It shall be lawfull for all persons to alien their Lands, &c. in *Wales*, the County of *Monmouth*, and other places annexed as aforesaid, from them and their Heirs, to any person or persons in Fee-simple, Fee-tail, for life, or years, according to the Laws of *England*, notwithstanding any Welch Law or Custom to the contrary.

CXV. If any person having Lands in *Wales* be bound in *England* by a Statute staple of Recognizance, and pay not the Debt accordingly, in such Cases,

Cases, upon Certificate into the Chancery of *England*, Processes shall be made to the Sheriffs of *Wales* out of the said Chancery, for the due levying of the said Debt, as is used in *England*: Howbeit for such Recognizances as are taken in the Kings Bench, or Common Place of *England*, Processes shall be pursued immediately from the Justices of the said Courts, as in *England* also is used.

CXVI. All such Writs, Bills, Complaints, Pleas, Process, Challenges, and Trials shall be used throughout all the Shires aforesaid, as are used in North-*Wales*, or as shall be devised by the President, Council and Justices, or three of them, whereof the President to be one.

CXVII. Where there shall be some Suits in Pleas personal, which cannot be well tryed before the Justices in the great Sessions, for shortness of time, such Issues may be tryed at the petty Sessions before the Deputy Justices, as is used in the three Counties of North-*Wales*, save only for such Suits, as by the discretion

cion of the said Justices shall be necessary to be tryed before themselves: Howbeit, there shall be no Suit taken before any of the said Justices by Bill, under the sum of 20 s.

CXVIII. No other Liberties, Franchises, or Customs shall be used or claimed in any Lordship, which was anciently part of *Wales*, (who-soever be owner or owners thereof) but only such as be given to the Lords thereof by force of the Statute of 27 H. 8. 26. and not altered by this Act, notwithstanding the Stat. of 32 H. 8. 20. *which see in Franchises.*

CXIX. If any Murther or Felony be committed in *Wales*, the party or parties grieved shall make no agreement with the offender, or with any other in his behalf, unless he first acquaint the President, Council, or Justices therewith, in pain of Imprisonment and grievous Fine at the discretion of the President, Council, and Justices, or two of them, whereof the President to be one, the like punishment also they shall incur, that labour or procure such agreement,

ment, although it never take effect.

CXX. If any person, or they whose Estate he hath, have peaceable possession of Lands in *Wales* by the space of five years, without interruption or lawfull claim, such person shall continue the same, untill they be recovered from him by Law or Decree of the President or Council there.

CXXI. If in personal Actions pursued before the Justices, nine of the Jury be sworn, and the residue make default, or be tryed out, in that Case the Sheriff may return other names *de circumstantibus*, untill the Jury be full, as is used in North-*Wales*, and else-where in such Cases.

CXXII. No sale of Goods or Cattel stolen in *Wales*, and sold in any Fair or Market there, shall alter the propriety thereof, such sale notwithstanding.

CXXIII. No person shall buy any quick Cattel in *Wales* out of the Fair or Market, unless he can produce credible witness of the person, place, and time, he so bought the same, in

pain of such punishment and Fine, as shall be set by the President and Council, or any of the Justices in his Circuit, and to answer it at his further peril.

CXXIV. If any Goods or Cattels be stolen in *Wales*, the Tract shall be followed from Town to Town; and Lordship to Lordship, according to the Laws and Customs heretofore used in *Wales*, upon such penalty as hath been heretofore accustomed.

CXXV. Any man (being a Freeholder) may pass upon a Jury in all Causes both criminal and civil, Attaint only excepted, saving to every man his lawfull Challenge, according to the Laws of *England*: Howbeit none shall pass in Attaint, unless he have Freehold of 40 *s. per annum*.

CXXVI. Tenants and Resiants in *Wales* shall pay their Tallage at the change of their Lords in such places, and after such form, as hath been accustomed in *Wales*.

CXXVII. The Kings Subjects in *Wales* shall find at the Parliaments in *England*, Knights for the Counties, and Citizens and Burgesles for the
Cities

Cities and Towns, to be chosen by the Kings Writ, according to the Statute of 27 H. 8. 26. and shall also be chargeable to all Subsidies, and other Charges granted by the Commons of the said Parliaments, and pay all other Rents, Farms, Customs, and Duties to the King, as hath been accustomed, Fines for redemption of Sessions only excepted, which the King is pleased to remit.

CXXVIII. *Haverford-west* shall find one Burgeſs for that Town, whose Charges shall be born by the Major, Burgeſſes, and Inhabitants of the said Town, and by none other.

CXXIX. The King shall have all Felons Goods, Goods of persons outlawed, Waifs, Estrays, and all other Forfeitures and Escheats, and shall be answered thereof by the Sheriffs, saving the right of all others, having lawfull title thereto.

CXXX. Errors and Judgements before any of the Justices in their great Sessions, in Pleas real and mixt, shall be redressed by Writ of Error out of the Chancery of *Eng-*

land, returnable before the Justices of the Common Place, as other Writs of Error be in *England*: but Errors in Pleas personal shall be reformed by Bill, before the President and Council, and if the Judgement be affirmed good, in any of the said Writs or Bills, then there to make Execution, and all other Process thereupon, as is used in the Kings Bench of *England*, and that the Plaintiff in every such Writ or Bill, pay for the same like Fees as is used in *England*.

CXXXI. No Execution of any Judgement given in any base Court, shall be stayed by reason of any Writ of false Judgement, but Execution may be had at all times before the reversal of such Judgement; and if such Judgement shall after be reversed, the Plaintiff shall be restored to what he hath lost by such Judgement.

CXXXII. All Process for urgent and weighty Causes, shall be directed into *Wales* by the Chancellor of *England*, or any of the Kings Council, as heretofore hath been used,
not.

notwithstanding this Act.

CXXXIII. The Town of *Bewdley* in the Parish of *Ribsford*, in *Com. Wigorn.* is made parcel of the County of *Wigorn*, and united to the Hundred of *Dodingtree* in that County, saving to the Burgeſſes and Inhabitants of *Bewdley* their ancient Liberties and Franchiſes.

CXXXIV. *Llanſiſſan*, *Uſterloys* and *Langham*, with their members, are united to the County of *Caermarthens*, and made parcel of the Hundred of *Derries* in that County.

CXXXV. The Shire-Court of the County of *Radnor* ſhall be holden one time at *New Radnor*, and another time at *Preſton*, *alternis vicibus*, and never at *Rather Goway*, notwithstanding the Statute of 27 H. 8. 26.

CXXXVI. The Kings Farmer of the Subſidy and Aulnage of Wollen Cloths in the County of *Monmouth*, and the other twelve Counties of *Wales*, ſhall take for ſealing ſuch Cloths as followeth, *viz.* for every whole piece of Friſe 1 d. a half piece, *ob.* a piece of Cotton or Lining, (24 yards and under) *ob.* a piece of the

same (above 24 yards) 1 *d.* a broad Cloth, 1 *d.* a piece of Kersey (18 yards or above) 1 *d.* and for a piece of Kersey, (under 18 yards) *ob.* Howbeit this shall not extend to Cloth made in private Houses, and not put to sale, but to their Servants.

CXXXVII. The Aulnager in *Wales* shall be bound and subject to the Laws and Customs of *England*, in like case provided.

CXXXVIII. The Town of *Haverford west* is made a County of it self, whose Justice shall be the Justice of the County of *Pembroke*, and the Judicial Seal of *Pembrokeshire* shall be also used there, with divers other Priviledges; *for which see the Statute at large*: Howbeit, this Article was but to continue in force during the King's pleasure.

CXXXIX. This Act shall not be prejudicial to any mans Inheritance, nor to any of the King's Officers for their Offices or Fees.

CXL. No Land in *Wales* shall be *Gavelkind*, but discendable according to the course of the Common Law.

CXLI.

CXLI. All Liberties of the Dutchy of *Lancaster* shall continue as they were before the making of this Act.

CXLII. Stat. 18 *El.* 8. The Queen and her Heirs and Successors may (at her and their pleasure) name and appoint two or more Persons learned in the Law to the Justices in each of the Circuits in *Wales*, which had but one Justice before, or may grant Commissions of Association to such Person or Persons to be associate to the Justice, or Justices of the said Circuits, who shall have like authority and power as the one Justice had by the Statute of 34, 35. *H.* 8. 26.

CXLIII. Stat. 27. *El.* 9. All Fines and Recoveries taken or suffered in the Courts of Assizes or Sessions of the twelve Shires of *Wales*, the Town and County of *Haverford-west*, and the Counties Palatines of *Chster*, *Lancaster*, and *Duresme*, and in every of them, and all Writs, Returns, Warrants, and other proceedings concerning the same, now remaining, or which hereafter shall remain in the said Courts or Sessions, or in any of them, or in the custody of

any of the Officers there, may (upon the request, and at the election of any person) be inrolled in Rolls of Parchments by such persons, and for such considerations, as are hereafter expressed, and such Inrolments shall be as good in force in Law (for so much as shall be so inrolled) as the same so remaining are or ought to be.

CXLIV. No Fines, Proclamations, or Recoveries there, shall be reverfable by Writ of Error, for false Latin, rasure, inter-lining, misentrining of any Warrant of Attorney, or of any Proclamation, misreturning, or not returning of the Sheriff, or other want of form in words, and not in matter of substance.

CXLV. The person there that shall hereafter take the acknowledgement of any Fine, or any Warrant of Attorney, of any Tenant of Vouchee, for suffering any Recovery, or shall certifie them or any of them, shall with the Certificate of the Concord or Warrant of Attorney, certifie also the day, and year, when the

the same was acknowledged, but shall not be enforced to certify them, except within the year next after they were taken; And no Clerk or Officer there shall receive any Writ of Covenant, Writ of Entry, or other Writ, whereupon any Fine or Recovery is to pass, unless the day of acknowledgement thereof shall appear by such Certificate, in pain of 40 s.

CXLVI. No Attornment upon any Fine there, shall be entred upon Record; except the party mentioned to attorn, have first appeared in Court in person or by Attorney, warranted by the hand of one of the Justices of the same Court, upon any Writ of *Quid juris clamat, quem redditum reddit*, or *per que servitia*, as the cause requireth; and every Attornment otherwise entred shall be void, without Writ of Errour or other means to avoid it.

CLXVII. There shall be in the said places an office of Inrolments erected to continue for ever; for the inrolling of Fines and Recoveries, as aforesaid; and the Justices

K. 5.

there

there shall (within their several limits) enjoy the said Office, and the disposition thereof, and carefully see to the execution of the same by the due examination of such enrolments, and for their pains and care therein shall have certain Fees allowed them; *for which see the Statute at large.*

CXLVIII. Unto every Roll by any Justice so examined, he is to subscribe his hand, in pain of 40 s. and any of the said Justices may take order in all things needfull for the said Inrolment, and upon examination may in the said Courts assess such Fines and Amerciaments, or any Clerk, Sheriff, Attorney, or other Person, for misprision, contempt, or negligence, in any thing concerning such Fines and Recoveries, as to them or any one of them shall seem meet: which Fines and Amerciaments shall be estreated as others use to be out of the said Court.

CXLIX. The exemplification of any such Record of any Fine or Recovery thereof, or any part thereof (in the said twelve Shires of Wales,
and

and the Town of *Haverford-west*)
under the Judicial Seal , or (in the
said Counties Palatine) under the
Seal of the respective County Pala-
tine shall be of as good force as the
original Record it self.

CL. The Justices Clerks may write
out and enrol the said Records , but
shall not carry them out of their
Offices .

CLI. No Fine or Recovery here-
tofore levied or suffered shall after
exemplification be amended.



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THE
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TO THE
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Rule 4.

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D.

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Essoin to be cast for one day only. Rule 6.
Executor to make Oath that he, &c. received not the Debt, nor any part thereof, nor his Testator, to his knowledge, in his life-time, &c. Rule 12.

I.

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Issue general, upon it the Solicitor to be for the Defendant, without Rule; but upon special pleading or a Solicitor for the Plaintiff, one Rule. Rule 14.
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Judge.

Judgement by Default to be taken of the
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plead in Bar at the same Sessions with-
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N.

Non-suit where Amerciaments upon it
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Narratio similis upon Writ of View,
Sum. ad Warran. ad Auxiliandum,
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P.

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the Defendant appearing, and the
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Scire fac. upon an old Judgement in Per-
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and

*and after Appoairance two Rules to
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Judgement of ten years standing with-
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THE



THE
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TO THE
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A *Ppearance after Subpœna to Answer is served, must be before the sitting of the fourth Court, or Attachment to issue.* Rule 1.

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*Contempts to be cleared before Answer be
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E.

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1.

*Interrogatories the same to be administred
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without*

without alteration, unless upon order of Court.

Rule 4.

Interrogatories upon Contempts to be put in within three dayes.

Rule 8.

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Rule 7.

N.

Notice to be given of motion in Court to the Attornies of the other side, otherwise to be of no effect, and the last Rule to be produced upon every motion.

Rule 7.

Notice to be given to the other side upon Appearance on Contempts, and Interrogatories to be put in within three Courts, or else the party to be discharged.

Rule 8.

P.

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Rule 2.

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Rule 5.

R.

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Rule 8.

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Rule 3.

S.

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Rule 1.

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Rule 2.

W.

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Rule 4.

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